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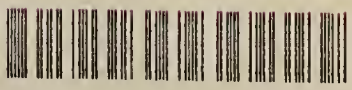

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World Peace Foundation

Pamphlet Series

PUBLICATIONS
OF
WORLD PEACE FOUNDATION

VOLUME VII
1917

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A change in postal regulations has made it impossible to continue the Pamphlet Series as a free publication with the benefit of the second-class postal rate. To retain this privilege, without which the cost of circulation would be prohibitive, it is necessary to place the publication on a subscription basis. As the Pamphlet Series has been known for seven years as a free publication, it was decided to discontinue the series and to replace it with a new publication. The first issue will appear under date of August, 1917. The general title will be "A League of Nations."

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THE NEW PAN AMERICANISM

PART III

CENTRAL AMERICAN LEAGUE OF NATIONS

Published Bimonthly by the
WORLD PEACE FOUNDATION
40 MT. VERNON STREET, BOSTON

February, 1917

Vol. VII. No. 1.

Entered as second-class matter January 15, 1913, at the post-office at Boston, Mass., under the Act of August 24, 1912

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10. The Central American League of Nations.

Central America is not unlike the world at large. It has had its Washingtons and Lincolns, its Cæsars and Napoleons, its Louis XIV's and George III's, its Richelieus and Metternichs. Whereas statesmen generally put their utopias and strike their moral attitudes in public addresses, the Central Americans wrote theirs in the form of constitutions and treaties; and consequently their failures have attracted more attention and criticism.

In reality they have shown rare virtue in not defending the vicious system they produced. Central America has never defended militarism or revolution; it knew it was a miserable sinner, and that is more than the world at large knows concerning itself.

The machinery of international organization was set up in Central America less than ten years ago, and from that time on statesmen have cherished a hope of peace and have actually seen it realized more completely than ever before in a century of aspiration. In a word, a complete system providing for the settlement of all disputes without war and for annual diplomatic conferences was established—the precise remedies which practical students of the world's present predicament are prescribing as the preventive of future wars. Before that time Central America was the scene of war almost constantly; since then there has been no international war in Central America.

The common birthday of the five countries at the waist of the Western Hemisphere was September 25, 1821, and the anniversary is celebrated each year. The last anniversary number of *Centro-América*, the official organ of the five republics, contains the following significant statement:

> Examples destroy the now discredited legend that these peoples of Indo-Spanish origin are incapable of self-government and that they are condemned on account of fatal educational and racial reasons to live a life of revolutions, to submit themselves to a superior guardianship or to disappear completely through inability to control themselves.
>
> Nothing is more unjust or false. People have fallen into the confusion of believing that the convulsions of youth, although they denote some lack

of experience and are gauges of excess energy, are the last spasms of decadence. That is only to take for dead those who have just commenced to live. The sad lesson of the immense European catastrophe in which civilization perishes by steel and fire makes us see that bloody troubles are not our patrimony alone, but that they obey complex causes from which even peoples in the maturity of evolutional development do not escape.

Central America has had its falls, which none denies; but from them, like the fabled Antæus, it has known how to recover new forces, and more beautiful and desired is the goal as the ascent is more difficult. From this way of Golgotha, this way of the cross, is not to be deduced that we should always have to be the incorrigible heroes of unpremeditated adventures.

That slanderous legend must now cease in which we are estimated without any knowledge of what we have been, of what we are and of what we may be. The time has come when it should be known that we are not solely a people of picturesque soldiers, of ignorant pundits, of tropical tyrannies, of continuous billeting; when it should not be forgotten that we possess something more than palm-lined bays, full-watered rivers, high mountains, beautiful lakes and forests full of mosquitoes and morasses.

Certainly much remains to be done; but much has been done, in spite of unfavorable conditions of money, scanty population and vices peculiar to the climate and the race. Railroads and schools multiply in a flattering degree. Distances are shortened, though not in the desired ratio, and illiteracy is disappearing slowly but surely. Thanks to the strict fulfilment of obligations, credit is firmly maintained. Commerce, except in the present circumstances of a world holocaust, has always shown favorable increases. A multitude of public works reward the enterprise of cities, for which they are both useful and ornamental. Moreover, industries are beginning to arise, because now our conditions and raw materials call for them. Agriculture flourishes abundantly, and some products, like the coffee of Guatemala, are declared in international competition to be the best in the world. Laws could not be finer, more liberal or more complete: Central America is a true home for as many as may come to make an honest effort on a fertile soil.[1]

Here, then, is the story of Central America's experiment in the art of living together. It is more than her experiment, because, as will appear, Central America did not begin or continue the thing alone. And it is hardly an experiment, because Central America has always considered itself a unit, and its separate states as sisters in the same mother country.

The experiment properly began in the year 1906, when the sisterhood was striking a discord on all its instruments of revolution. But before entering the confused hurly-burly of that revolutionary year it may be well to sketch the strength of Central America's

[1] Translation from *Centro-América*, VIII, 211–212.

aspirations toward good neighborliness, and the weakness of her accomplishments.

The five countries of Central America were included in the Spanish viceroyalty of Guatemala[1] when they sounded the tocsin of independence in 1811. In 1821 they had all made good their claim, but they did not then contemplate separate existence, in spite of separate acquisition of liberty. On October 21, Nicaragua announced her annexation to Mexico, an act imitated by the others,[2] with the exception of Costa Rica. Mexico in the first flush of successful revolution was an empire under General Agustín de Iturbide, and this form of government was so distasteful to the Central Americans that they lost no time in changing their minds when Iturbide fell and the force of "Mexican intervention" decreased.

On March 29, 1823, they reasserted their independence and, with Guatemala taking the lead, the "United Provinces of the Center of America" made its bow to the world as a state on July 1. In the constitution promulgated on November 22, 1824,[3] the name became permanently fixed as the Federation of Central America. The prediction of Bolívar that "the states of the Isthmus from Panamá to Guatemala will perhaps form a union" was apparently realized. Bolívar the next year issued the invitation to the General Assembly of

[1] The viceroyalty, or kingdom, as it was also called, had at Guatemala a single *audiencia* with its captaincy-general. There were 15 provinces as follows: (1) eight greater alcaldias, or alcalde jurisdictions, Totonicapam, Sololá, Chimaltenango, Sacatepéquez, Sonsonate, Verapaz, Escuintla and Suchitepéquez; (2) two corregimientos, or magistracies, Quezaltenango and Chiquimula; (3) the government of Costa Rica; (4) four provincial intendencies, León de Nicaragua, Ciudad Real de Chiapa, Comayagua de Honduras and San Salvador. Of the fifteen, five were on the Atlantic, five on the Pacific and five were internal. In 1821 the Cortés of Cadiz divided the former viceroyalty into eight provinces for the administrative purposes of the federation. These were Cartago, León de Nicaragua, Comayagua de Honduras, San Salvador, Villa de Santa Ana, Guatemala, Quezaltenango and Ciudad Real de Chiapa. Cf. *Centro-América*, V, 393–400.

[2] Guatemala itself seems not to have accepted the connection with Mexico. A plebiscite by *ayuntamientos* (town councils), 240 in number, resulted as follows: 104 for annexation; 67 not voting; 23 for a general congress; 23 deferring to the wish of the government; 11 for annexation, conditionally; 2 against annexation. (*Centro-América*, III, 339–340.)

[3] This constitution of the federation of Central America is easily accessible in *Centro-América*, I, 500–515. For this period see also the documents of 1821-1823, *ibid.*, III, 332–350.

the American Republics which was held at the city of Panamá in 1826.[1] There the idea of unification was still further developed through the negotiation of a Treaty of Perpetual Union, League and Confederation among the republics of Colombia and those of Central America, Perú and Mexico, which was signed on July 15, 1826, but was ratified only by Bolívar himself for Colombia.[2] The Central American federation proved not to be permanent. Its internal career was checkered by revolts and disorders, and on May 30, 1838, its dissolution occurred by an act of its own congress.

The Central Americans tried to live separately for a while,[3] but yet could not escape either their revolutionary or their federating

[1] The conception of unifying the republics of Spanish America seems to have come first to José Cecilio del Valle, who is recorded in connection with the idea as early as February 22, 1822. (*Centro-América*, III, 400, note.)

[2] The text of the treaty and ratification are printed in *Centro-América*, II, 152–158; an English translation is to be found in *International American Conference*, Vol. IV, 184–191.

Under the influence of Bolívar this idea had a previous history. On March 15, 1825, Colombia and the United Provinces of the Center of America had signed a treaty of perpetual union, league and confederation which was really a combination to maintain independence from Spain and an alliance against attack or invasion, that is, a reply to the Holy Alliance of Europe and sort of an echo of the original Monroe doctrine. By Art. 15 of this treaty an assembly of plenipotentiaries was provided and by Art. 17 the assembly was to be the "arbitral judge and conciliator" of disputes and differences. Colombia ratified the treaty on April 12, 1825, and Central America on September 12, 1825, with a declaration that the assembly, respecting its differences with states not recognizing its equal power, should have only a conciliatory effect. The ratifications, thus diverse, were exchanged at Guatemala City June 17, 1826. The treaty was considered by Colombia as ineffective in 1884 (Cadena, *Colección de tratados públicos*, II, 15), but was promulgated as law as late as September 1, 1855, by Salvador (Reyes, *Colección de tratados del Salvador*, 45).

[3] A provisional convention of the states of Central America was formed in consequence of the dissolution of the federal government. In order to fix relations between the states a series of treaties of friendship and alliance were signed as follows: Honduras and Nicaragua, signed at Comayagua, Honduras, January 18, 1839; Honduras and Guatemala, signed at Guatemala, May 12, 1839; Honduras and Salvador, signed at San Vicente, Salvador, July 5, 1839; Honduras and Costa Rica, signed at San José, Costa Rica, July 1, 1839; Guatemala and Salvador, signed at San Vicente, July 4, 1839; Guatemala and Nicaragua, signed at León, Nicaragua, July 24, 1839; Costa Rica and Guatemala, signed at San José, August 1, 1839; Salvador and the Sovereign States of Los Altos, signed at Quezaltenango, Guatemala, August 10, 1839; additional treaty, Guatemala and Honduras, signed at Comayagua, Honduras, August 14, 1839; Honduras and Nicaragua, signed at León, Nicaragua, September 12, 1839. All these treaties are printed in *Centro-América*, V, 290–292.

tendencies. Followed then two generations of frequent and always unsuccessful efforts to set the humpty-dumpty of federation back in its place. In that time it was sought to coax, cajole and force five states into one, and occasionally partial success was temporarily realized by one or another method. The historical student who has patience to review these seventy years of futile or ambitious seeking after a more perfect union will discover revolutions and attempts at unification following each other in bewildering succession. In several of the countries changes in the presidency customarily meant successful revolutions, while many unsuccessful ones were plotted or attempted. Wars between the states were so frequent as to be yet uncounted, and they were for causes politically so frivolous that none of them ever resulted in a rod of territory changing flags, while few needed the formality of a treaty of peace at the end. In addition, sixteen well-defined efforts to federate were recorded between 1839 and 1906, an average of one every four years.[1]

CORINTO PEACE SYSTEM, 1902.

The foundations for the contemporary history of Central America were laid at a meeting of the presidents of Costa Rica, Honduras, Nicaragua and Salvador at Corinto, Nicaragua, in 1902. A treaty was drawn up that was reminiscent of the Hague convention of 1899 for the pacific settlement of international disputes. The Corinto treaty went farther than the Hague convention and wrote what became the first chapter of the new Central American order in these words:

Art. 2. The contracting Governments establish the principles of obligatory arbitration, in order to adjust every difficulty or question that might present itself between the contracting parties, binding themselves in consequence to submit them to a tribunal of Central American arbitrators.

Art. 3. Each one of the contracting parties shall name an arbitrator and a substitute to constitute the tribunal. The terms of the arbitrators shall be for one year, counting from their acceptance, and then they may be re-elected.

Art. 4. The arbitrators of those states among whom exists the disagreement shall not form part of the tribunal for the consideration of the con-

[1] A summary of these efforts is printed in Appendix III.

crete case, this remaining entirely with the arbitrator or arbitrators of the remaining states.

Art. 7. The contracting Governments establish and recognize the right of each one of them to offer without delay, singly or conjointly, their good offices to the Governments of the states that are in disagreement, even wthout previous acceptance by them, and though they should not have notified them of the difficulty or question pending.

Art. 13. The arbitration tribunal shall dictate all those rational dispositions that it considers necessary fully to carry out the high mission which is conferred upon it by this treaty.[1]

This treaty had more effect on Central American conditions than most of its predecessors. It was followed by a "Central American treaty of peace" signed at San Salvador on November 2, 1903, between Guatemala, Honduras, Nicaragua and Salvador in which they took "upon themselves the obligation to maintain peace between" themselves and established, "as an inviolable principle of conduct, . . . the nonintervention of any one of them in the domestic affairs of the other sister republics."[2] Costa Rica was invited to join, but seems not to have done so.

Next the presidents of Honduras, Nicaragua and Salvador and a representative of the president of Guatemala signed on August 20, 1904, a proclamation "guaranteeing the peace of Central America." Its salient idea was that the four governments "will aid each other by military force, if necessary, in maintaining the *status quo*, and that the peace of Central America is thus reasonably assured by making revolutionary efforts more difficult and less liable to achieve success."[3]

PEACE OF THE *MARBLEHEAD* AND SAN JOSÉ.

In May, 1906, several rivals of President Manuel Estrada Cabrera of Guatemala organized military expeditions to oust him. One rival faction invaded the country from across the Salvadorean border. On June 1, Leslie Combs, American minister to Guatemala, reported to Washington that Guatemala and Salvador each had twelve

[1] *Foreign Relations of the United States*, 1902, 882.

[2] *Foreign Relations of the United States*, 1904, 351.

[3] United States Minister Merry, *Foreign Relations of the United States*, 1904. 541. The text of the proclamation is in *British and Foreign State Papers*, 97, 694–695.

thousand troops massed on the frontier and that war was threatened any day. Mr. Combs, supported by Washington, urged self-restraint on both parties in strong terms and an actual clash was then avoided. The situation continued threatening, but it was apparent that Guatemala would agree to withdraw and disband her troops if Salvador would do likewise during negotiations. The Department of State immediately sounded the American minister at San Salvador, William Lawrence Merry, on this possibility. A few days later Mr. Merry reported a fight forced by Salvador and taking place on Guatemalan territory, due, according to other accounts, to the aggressive attitude of a Guatemalan general.

Meanwhile the Department of State had been seeking the co-operation of the Mexican government, and a message had been sent to Mexico saying that the President would rely largely upon the advice of President Díaz. On July 12 Díaz sent word that he would personally address the presidents of Guatemala and Salvador. The next day President Roosevelt addressed this telegram to the heads of both countries:

> I earnestly appeal to Salvador [Guatemala] to take immediate steps toward settling questions pending with Guatemala [Salvador], either by agreement to arbitrate or by direct negotiation for a definitive agreement between the two countries. Disturbance of the peace of Central America inflicts grievous injury upon the affected states and causes the gravest concern to the United States, whose sole desire is to see its neighbors at peace. The recent deplorable renewal of hostilities should not be allowed to be the precursor of a protracted and disastrous struggle, perhaps involving other states and leading to results of which the scope can not be foreseen. In the interest of humanity and the indispensable peace of Central America it becomes my duty to urge a settlement before it may be too late. I offer the deck of the American ship of war *Marblehead*, now on the way to the coast of Salvador, as a neutral place where representatives of Guatemala and Salvador may meet to consider terms of agreement, an armistice between the contestants being meanwhile effected. I am telegraphing in the same sense to the President of Guatemala [Salvador]. My action has the full concurrence of the President of Mexico.[1]

On that day fighting occurred between Guatemala and Honduras and Salvador, Honduras entering the lists under a treaty of defensive

[1] *Foreign Relations of the United States*, 1906, 837.

alliance signed at Corinto six months before.[1] On the following day the presidents of both Guatemala and Salvador substantially accepted President Roosevelt's proposal.

"I accept with pleasure your Excellency's proposition of direct negotiation as the most expeditious means of accomplishing the desired end," telegraphed President Pedro José Escalon of Salvador. "Better success would attend the negotiations if the minister of the United States to Guatemala and Salvador and the Mexican minister to Central America would take part in the conference in neutral waters, and if the President of Mexico lends it his co-operation. I further accept the suspension of hostilities, and, as a measure of greater effectiveness, the concentration and disbandment of troops during the course of negotiations."

President Manuel Estrada Cabrera of Guatemala accepted in conditional terms. He wrote: "I accept without hesitation in the most cordial manner the proposition of peace between Guatemala and Salvador that your Excellency is pleased to address to me. The outcome of the war is already in favor of Guatemala, but in deference to a good friend of ours, as in your Excellency, I see no objection to an armistice being agreed to and terms of peace being negotiated on board the *Marblehead*. I only take the liberty of saying to your Excellency that . . . we hope, with the interposition of the invaluable action of the American government, that this time, through your Excellency, the arrangements that will be made will fulfill the lofty purpose of your Excellency, which always finds with my government the most friendly and cordial reception."

The next day Costa Rica announced a desire to be a party to the mediation, and her good will undoubtedly facilitated the success of the proceedings, which were now directed toward getting the disputants together. Honduras, though allied with Salvador, agreed to keep out of hostilities with Guatemala, and at dawn of July 18 both Guatemala and Salvador declared an armistice. The negotiations lasted two days after the armistice, a fact showing only too clearly how narrow a space used then to divide peace and war in Central America, though if the ocean had been calmer the diplomats

[1] The statement is based on newspaper accounts of the period.

might have parleyed longer. The peace of the *Marblehead*[1] was negotiated on the high seas with representatives of the United States and Mexico as honorary presidents and the Costa Rican representative as a member of the negotiating conference. By the treaty, Guatemala, Salvador and Honduras agreed on the following points:

1, Peace established, withdrawal of armies within three days, disarmament in eight days; 2, The exchange of prisoners, the release of political prisoners, general amnesty recommended; 3, Vigilance over *emigrados* (political refugees) in order to prevent abuse of asylum; 4, To negotiate a treaty of peace, friendship and commerce within two months. The convention proceeds:

> Fifth, If, contrary to expectations, any one of the high contracting parties shall fail in the future in any of the points agreed upon in this treaty, or should give cause for new differences, these shall be submitted to arbitration, their Excellencies the Presidents of the United States of America and of the United States of Mexico being hereby designated as arbitrators, to which arbitration shall also be submitted the recent actual difficulties between Guatemala, Salvador and Honduras.
>
> The present convention remains under the guarantee of the loyalty of the Governments interested and of the moral sanction of the Governments of the mediating [Costa Rican, United States and Mexican] and participating [Guatemalan, Honduran and Salvadorean] nations.

The treaty of peace contemplated by the *Marblehead* pact produced more results than were called for in the terms of the bond. Costa Rica invited the conference to meet at San José on September 15, the anniversary of Central American independence. It will be noted that the mediating and participating nations in the peace of the *Marblehead* included four of the Central American republics, Nicaragua being out. The four were consequently invited to the San José conference, which lasted only ten days. Its agreements became the basis of future arrangements and are therefore significant. They consisted of a general treaty of peace and amity, arbitration, commerce, extradition, etc.; of a convention for the establishment of a

[1] The *Marblehead* had been in touch with Central America for some time. (*Report of Bureau of Navigation*, U. S. N., Cong. Docs. No. 5115, 467, and No. 5291, 422.) Similar incidents occurred aboard the U. S. S.S. *Ranger*, at Amapala on March 6, 1894, the occasion being negotiations between President Vásquez of Honduras and the victorious revolution of Policarpo Bonilla (*Foreign Relations*, 1894, 300), and aboard the *Alert* in 1898.

Central American international bureau, and of one for the establishment of a Central American pedagogical institute. The only provisions which here concern us are two articles from the general treaty of peace and amity:

Art. 3. The Governments of Salvador, Guatemala and Honduras, in conformity with the stipulations of the treaty executed on board the *Marblehead*, hereby appoint as umpires, their Excellencies the Presidents of the United States of America and of the United Mexican States, to whom all particular difficulties arising among said Governments shall be submitted for arbitration.

For the purpose of agreeing on the manner to effect such arbitration, the above-mentioned Republics shall accredit, at the latest within three months from this date, their respective legations near the Governments of the United States of America and Mexico, and in the meanwhile arbitration shall be ruled according to the stipulations of the treaty of compulsory arbitration concluded in Mexico on the 29th of January, 1902.[1]

Art. 4. Guatemala not having subscribed to the Corinto convention of January 20, 1902, Costa Rica, Salvador and Honduras do hereby respectively declare, that said Corinto convention is to continue in force, and that any particular difference which may arise among them shall be settled in conformity with the aforesaid convention and with the regulations established by the Central American court of arbitration on the 9th of October of that year.[2]

CONFLICT OF THE PEACE SYSTEMS.

Aside from any desires of Central American presidents to establish a federation with themselves at its head,—a desire then attributed to some of them,—the peace machinery of Central America when the year 1907 began consisted of the treaty of Corinto of 1902 and the treaties of San José of 1906. By the former, Costa Rica, Honduras, Nicaragua and Salvador were bound to submit all their differences to Central American arbitration; by the latter, Costa Rica, Guatemala, Honduras and Salvador were bound to submit all their differences to American-Mexican arbitration. Should Central American disputes be settled by the family or by outsiders?

[1] The treaty referred to is printed in *Second International Conference of American States*, 40–47 (57th Cong., 1st Sess., Sen. Doc. No. 330).

[2] The regulations, drawn up at San José, Costa Rica, are printed at pages 53–57 in the Nicaraguan publication, *Documentos oficiales referentes á la guerra entre Nicaragua y Honduras de 1907*. 2ª edición (Managua, 1907).

That was the immediate question. The answer lay either with Guatemala, which might join the Corinto arrangement, or with Nicaragua, which might join the San José treaty.

Costa Rica interested herself in the San José system, and Nicaragua was urged to join. In January, 1907, Nicaragua declined to be bound by the peace of the *Marblehead*. Nicaragua's spokesman offered as an immediate reason a telegram just received from the president of Honduras stating that his militia had been ordered to proceed near the boundary to suppress revolutionary movements which, Honduras believed, were aided by President Zelaya of Nicaragua. Nicaragua further justified her declination by stating that the peace of the *Marblehead* and the pact of Corinto were opposed to each other.

Honduras at the moment had a revolution brewing and through her generals was conducting an argument with Nicaragua on the extent to which Honduran exiles in Nicaragua were capable of joining in.[1] The Nicaraguan troops in mid-January chased some revolutionists back across the border, whereupon Nicaragua claimed an indemnity for invasion, demanding an arbitration under the terms of the pact of Corinto.

The problem now was whether Central America should arbitrate the case in accordance with the Corinto agreement or whether the United States and Mexico should handle it in accordance with the treaty of San José and the peace of the *Marblehead*. Central American arbitrators got immediately to work under the Corinto plan, and first insisted that the armies of both disputants be disbanded. Nicaragua refused, the proceedings collapsing on that rock. Honduras thereupon denounced the Corinto treaty, so that events were in a thoroughly parlous state.[2] Could Nicaragua be induced to accept the San José scheme?

[1] "The principal group occupy Zapotillo Hill, which is divided by 'the boundary,' so that on attacking them they will immediately fall back on Nicaraguan territory, and the attack would then be useless."—Gen. Salomon Ordoñez, of Honduras, to President Zelaya, of Nicaragua, January 9, 1907, *Foreign Relations of the United States*, 1907, 610.

[2] Nicaragua issued a volume of documents on the controversy under the title of *Documentos oficiales referentes á la guerra entre Nicaragua y Honduras de 1907, y á la participación de El Salvador*. The court met at San Salvador and consisted

The Secretary of State of the United States was in touch with the event and, in consequence of the failure of Central America, Mr. Root entered the proceedings with the suggestion that Guatemala, Salvador and Honduras, which had signed the treaty of San José, should agree with the United States and Mexico as to the method of the arbitration. The presidents of both countries again jumped into the breach and sent telegrams to the presidents of Nicaragua and Honduras expressing the strong hope that the misunderstanding was one that could easily be removed, and "that the tribunal may be reconstituted or a new tribunal provided which shall sit under rules fully understood and complied with by both parties of the controversy."

President F. Manuel Bonilla of Honduras replied that the tribunal established on his motion "unfortunately had to separate by reason of the repeated refusals of the Managua government to observe the dispositions which the tribunal deemed expedient to order as a previous condition to the rendering of its award." He accepted the newly offered arbitration, suggesting that Salvador and Costa Rica might constitute a court, but insisted that the old tribunal could not be reconstituted, "the treaty of Corinto having been declared nonexistent."

President José Santos Zelaya of Nicaragua charged that the tribunal "insisted that the army be first disbanded and fresh offenses from Honduras, worse than the preceding ones, occurring in the meantime, Nicaragua refused, it being impossible to let the situation remain defenseless and exposed to other attacks." He cited the

of judges from Costa Rica, Honduras and Salvador. The court's decree of February 1 caused the difficulty. It reads in part: "The court . . . considers that its principal duty is to see that the judgment it is going to deliver should become effective, removing therefore any circumstance which in any manner should distract the competitors from the faithful execution and fulfilment of all and each of the clauses of the Corinto pact of 1902." Wherefore and in accordance with Art. XI of the pact, the court "believes it indispensable to direct to the Government of Salvador, under whose auspices it is meeting, to the end that, as a signatory of the pact of Corinto, it should secure by requesting in the most friendly manner from the Governments of Honduras and Nicaragua the immediate disarmament and disbandment (*licenciamiento*) of forces, so that affairs may return to the peaceable status which the arbitral *compromis* contemplates." The Honduran denunciation of the pact and the Nicaraguan protest both occurred on February 8 (*Op. cit.*, 140, 159).

fact that the tribunal was only to determine reparation for violation of territory by Honduras, without discussing the existence of offensive acts. He accepted American-Mexican good offices.

The same day, February 13, the Mexican minister for foreign affairs, Ignacio Mariscal, proposed that the United States and Mexico suggest the withdrawal of the troops of both disputants to a distance of 20 leagues from the frontier, after which a tribunal could be installed.

Honduras terminated the negotiations late in February. Further incidents led to blows. President Bonilla of Honduras met the Nicaraguans and a body of Honduran malcontents at Choluteca about mid-March and was put to flight. He re-organized his forces and in the next phase of the campaign lost Tegucigalpa, his capital, to the enemy on March 26.

Salvador was also concerned in the affair because of Central American political considerations. On March 12 Nicaragua was handed a note in which, "regretting again the inability of arriving at a friendly agreement, the more pained by the fact that enemies of Salvador appear in that revolutionary committee (of Honduras, which Nicaragua supported)," Salvador declared that she was "obliged to take an attitude corresponding with her interests." Salvadorean and Nicaraguan troops clashed at Namasigue on March 17, as a consequence of which encounter Nicaragua declared war on Salvador on March 20. As grievances, Nicaragua alleged Salvadorean aid to an expedition headed by Nicaraguan political exiles and embarked on the S.S. *Empire* for Amapala, assistance to the Honduran cause by Salvadorean officials sent to that country, and the operation of Honduran recruiting offices in Salvador.[1]

A revolution broke out in Honduras simultaneously with the taking of the capital[2] by Nicaraguans.

Salvador avoided declaring war, thus keeping in an attitude receptive of peace overtures. Costa Rica, Guatemala and Salvador

[1] *Documentos oficiales*, etc., 200–201.

[2] Bonilla later surrendered to the Nicaraguans at the port of Amapala, where he was besieged. The surrender was arranged through the American *chargé d'affaires*, Philip M. Brown, largely in his personal capacity.

now entered the proceedings and through the American *chargé d'affaires*, Philip M. Brown, got things again headed toward peace. The actual negotiations took place at Amapala, the presence of the cruiser *Chicago*[1] acting as a steadying influence. Again the proceedings were short, lasting only about a week and resulting in a treaty signed on April 23, 1907, between Nicaragua and Salvador through the direct mediation of Chargé Brown. The original of this treaty was filed in the American legation. It completed the preliminaries for a Central American conference, inasmuch as it brought Nicaragua into agreement with the rest of Central America that all differences between the countries should be settled by the obligatory arbitration of the presidents of the United States and Mexico.[2]

EVENTS PRECEDING WASHINGTON CONFERENCE.

Honduras had been the first of the Central American fraternity to bring the engagements of 1906 to a test. Revolutionary unrest had begun that very winter, engineered, it was asserted, from Nicaragua. Nicaragua, however, in January practically interned all the disaffected who came across the border, and one chapter of disorder was thus closed. But that was not the end of the affair, which progressed as an internal revolution. On April 23, 1907, Miguel R. Dávila telegraphed to President Roosevelt, "I have taken the office of provisional president of this country with the support of the great majority of the citizens." On July 4 his representative in Washington, Angel Ugarte, gave the Department of State assurances concerning the new government. "As to foreign affairs—that is, the difficulties which may arise in Central America—my government has adopted a policy of strict neutrality toward the probable contestants," he wrote. Five weeks later the United States and Mexico had agreed on recognizing Dávila, his minister at Washington being invited to present his credentials on August 23. The recognition was timed to

[1] The *Chicago's* movements were: Acajutla, Salvador, February 15 to March 21 and March 30 to April 1; Amapala, Honduras, April 2 to 15; Acajutla, April 16; Amapala, April 17 to 23; San José, Costa Rica, April 25 to 26.

[2] English text in *Foreign Relations of the United States*, 1907, 633–634. Salvador's National Assembly ratified the treaty on May 8.

synchronize with other events, and constituted an essential preliminary to the important Central American reform that was about to be enacted.

Still another bit of trouble was destined to furnish the immediate cause for establishing the arrangements which promise to give Central America the stability she deserves. On August 21, just before the American recognition of the Dávila government in Honduras, Mexico learned that hostilities were about to break out through the invasion of Nicaragua by Guatemalan and Salvadorean forces. Mexico inquired whether the United States was disposed to mediate with her. The American government accordingly hastened the recognition of the Honduran government, and on August 25 President Roosevelt replied to President Díaz that he would join the latter in an earnest appeal to the Central Americans. An exchange of telegrams followed and both presidents sent to the heads of each of the five Central American governments a telegram, the salient part of which, *mutatis mutandis*, was as follows:

> A conference having been suggested between representatives of the Republics of the Central American states, I cordially tender the good offices of the United States toward bringing about so beneficial a result, and I beg to assure your Excellency of my desire and willingness to contribute toward the attainment of peace, in full concurrence with the President of Mexico.

Costa Rica and Honduras naturally responded favorably. President Fernando Figueroa of Salvador was in accord with the suggestion and promised to abstain "from any steps which might enhance the gravity of the situation;" Zelaya of Nicaragua gladly accepted a proposal "most favorably received and most earnestly and frankly supported by me;" Cabrera of Guatemala not only accepted but on his own account sent telegrams expressing to the four other heads of state "the hope that they will accept the conference and thus reward your Excellency's generous initiative."

All Central America was ready in a few days for the next step, which it was decided to have taken by their ministers at Washington. This resulted in a peace protocol signed on September 17, in which the delegates of the five states agreed upon holding a conference to meet at Washington during the first half of the next November. It pro-

vided further that the United States and Mexico should be invited to appoint mediating representatives to the conference, and the five republics agreed to "maintain peace and good relations among one another" until the conference met and accomplished its mission.[1] They promised to refrain from any armed demonstration on their frontiers and to leave any unforeseen differences to the American and Mexican presidents for settlement.

The next two months were taken up with preparations. Honduras, followed by the other states, formally invited the United States and Mexico to send representatives to the coming conference, and both mediators willingly accepted the suggestion. On November 6 the presidents of Honduras, Nicaragua and Salvador still further paved the way for the conference. Meeting at Amapala, Honduras, they "came to the most cordial understanding, in consequence whereof all pending questions are settled and the most frank and true friendship is restored." The nature of the disputes can best be appreciated by the fact that it was provided in the agreement that "all past differences, no matter what their nature may have been, shall be forgotten."

CENTRAL AMERICAN PEACE CONFERENCE.

The Central American Peace Conference convened at Washington in the Bureau of American Republics, then housed at 2 Jackson Place, diagonally opposite from the White House, on November 13, 1907. Its session of five weeks accomplished labors that are among the most remarkable ever realized on paper by sovereign states. Americans should feel gratified that it was William Insco Buchanan, their representative in the conference, "to whose exquisite tact and untiring perseverance is owed in so great a measure the success of the delicate and difficult labors of the conference," as Minister Calvo of Costa Rica took pleasure in assuring the Department of State.

The American representative and the Mexican ambassador to Washington were considered throughout not only as members but as leading advisers of the Central American delegates, who elected

[1] The English text of the protocol is in *Foreign Relations of the United States*, 1907, 644–645.

Secretary of State Elihu Root and Ignacio Mariscal, minister for foreign affairs of Mexico, as honorary presidents. Secretary Root occupied the chair during most of the inaugural session and after the opening addresses conducted its proceedings, which included examination of credentials and election of permanent officers. The opening addresses were eloquent and full of good advice, perhaps the most needed of which was in these words of Secretary Root:

> The all-important thing for you to accomplish is that while you enter into agreements which will, I am sure, be framed in consonance with the most peaceful aspirations and the most rigid sense of justice, you shall devise also some practical methods under which it will be possible to secure the performance of those agreements. The mere declaration of general principles, the mere agreement upon lines of policy and of conduct are of little value, unless there be practical and definite methods provided by which the responsibility for failing to keep the agreement may be fixed upon some definite person, and the public sentiment of Central America brought to bear to prevent the violation. . . .
>
> To find practical definite methods by which you shall make it somebody's duty to see that the great principles you declare are not violated, by which if an attempt be made to violate them the responsibility may be fixed upon the guilty individual—those, in my judgment, are the problems to which you should specifically and most earnestly address yourselves.

The spirit of self-criticism of the Central Americans themselves in their task, which the rest of the world could profitably emulate, was admirably illustrated by the inaugural address of the permanent president, Luis Anderson, minister for foreign affairs of Costa Rica. In the course of his address he said:

> The solemn inauguration of this Central American Peace Conference marks in the history of our people the epoch that separates the past from the future, the time when war and revolution will sink, never to rise, to give way to peace, progress and tranquility. It is the beginning of an era to which the spirit of the century urgently calls us.
>
> Civilization can not allow that in the family of nations there be one which does not work for or contribute to the common benefit the full extent of its energies and of the wealth with which nature has endowed it, because all nations are united in human progress.
>
> Admirably situated between two continents, with extensive coast lines on both oceans, with an exceedingly rich soil, suitable for all kinds of products, with mountains full of gold and silver—in fine, with such wealth that it would seem nature took pride in scattering over these lands all its wealth with a prodigal hand—Central America is in duty bound to render to civilization, through universal interchange, all the benefits that its

privileged situation demands; and, nevertheless, I lament to say this—we are backward in fulfilling this duty, because the futile strifes in which some of the Republics have consumed their energies have separated us from the ideals our forefathers contemplated when they, regardless of sacrifice, gave us our country and liberty.

Certain features of the conference proceedings are worthy of remark. Much of the success of any diplomatic conference depends upon the rules of procedure adopted. This conference followed the customary practice and required a unanimous vote for the passage of any resolution, but, at the suggestion of Mr. Buchanan, it was provided that "those resolutions upon which three or more delegations are in accord shall be considered as obligatory upon them and as a recommendation for the others." The rule has been adopted for all succeeding Central American conferences.

The first article of the protocol of September 17 was the program of the conference. This specified that the conference should discuss "the steps to be taken and the measures to be adopted in order to adjust any differences which may exist among said Republics, or any of them." The reading of the article in the conference brought a pause in the proceedings. The delegation from Salvador broke the silence by declaring that Salvador had no claim of any kind to present against any of the other four republics. Amid applause, the chairmen of the other delegations made the same declaration. The past was both dead and buried.

The protocol of September 17 provided also for the "concluding of a treaty which shall define their general relations." Under this head of the program Honduras presented a project for a union of the five republics. Nicaragua favored the Honduran plan and for several days it held the center of the stage. Guatemala submitted a less ambitious memorandum, and the two plans were referred to a committee. Even the committee was unable to agree, Honduras and Nicaragua reporting in favor of a scheme of union, and Costa Rica, Guatemala and Salvador favoring the Guatemalan project of basing action upon the treaties signed at San José on September 25, 1906. "Considerable tension was manifested in the conference as these two reports were read," wrote Mr. Buchanan in his report, "and a growing purpose on the part of some of the delegations to insist that

no discussion of the subject matter of the [Guatemalan] report should take place. . . . Noting in all this the appearance of an element of discord, the suggestion was made [by Mr. Buchanan], supported by the Mexican representative, that the consideration of both reports be postponed, and that the conference proceed to prepare projects for several important conventions—outside the scope of either report—notably one covering an international court. This course was adopted."

Later in the conference, on the motion of Honduras, the Central American presidents were asked "to crown our work with a measure that will be a token of reconciliation and fraternity and a worthy beginning of an era of concord for our Central American family" by conceding full amnesty for all political offenses. This resolution was honored by all the republics, and removed many obvious sources of irritation and embarrassment.

Before considering the accomplishments of the conference, the keynotes of the closing session may be recorded. "I found," said President Anderson, "that all the Central American delegations came inspired with an earnest and sincere brotherly feeling to accomplish something lasting and of mutual benefit. It can not be said, now, as it was said before, that all our treaties had been written in water, as we intend to show the world, and particularly the governments of the United States of America and the United Mexican States, for whom our gratitude and that of our people for their timely and humane mediation at a difficult moment in our lives shall be everlasting, that our purpose is steadfast, that our good faith has been pledged, and that our names have been written on documents which are the foundation of a new era of peace, happiness and plenty for the Central American republics. All differences, all obstacles, all barriers to our happiness and prosperity have been wiped out and the new Central American brotherhood established upon a sound foundation."[1]

[1] The foregoing account of the conference is based on Mr. Buchanan's report as published in *Foreign Relations of the United States*, 1907, 665–727. The passages quoted are to be found, *ibid.*, 688, 691, 673, and 719 respectively.

RESULTS OF THE CONFERENCE.

The documents prepared by the conference have since become the virtual constitution of a new Central America. They were seven in number.[1] Their contents must be indicated in order that subsequent events may be understood.

The general treaty of peace and amity was negotiated for ten years. It declares that every difference or difficulty that may arise among them, of whatsoever nature it may be, shall be decided by a court, and that any attempt to alter by violence the constitutional organization of any state is to be deemed a menace to the peace of all. The territory of Honduras,—which lies between Guatemala to the north, Nicaragua to the south and Honduras to the west and which frequently was Central America's battle ground,—was neutralized, and the other states agreed to respect Honduran territory. Each state obligated itself to accredit permanent diplomatic legations to the others, and all Central Americans were again mutually recognized as citizens. They promised to prevent political refugees from living near their borders, to refuse to recognize any government resulting from a *coup d'etat* or to intervene in any republic on account of internal disorder. They agreed that each country should try for a constitutional reform by which the re-election of a president should be prohibited.

The second convention created the Central American Court of Justice, the most remarkable judicial organ in the world, to be situated at Cartago, Costa Rica. The five sovereign states gave this court authority to determine all questions arising between them which diplomacy should fail to settle; to determine cases involving alleged violation of treaties where denial of justice should be charged by a citizen of one country against the government of another; and to determine any question submitted by two governments, or by a government and a citizen of any of the five states. What these provisions imply can be appreciated from the fact that the "United

[1] An additional convention and an additional protocol brought the number up to nine, but these supplemented other documents.

States can not be sued in their courts without their consent" and that the United States government "may withdraw its consent whenever it may suppose that justice to the public requires" this.[1] Further, the court by Art. XXII determines its own competency respecting cases brought before it and decides all questions of fact according to its own judgment, questions of law being subject to the principles of international law. Its decision is final, but must be rendered by a majority. It has power to fix the *status quo* in any controversy pending before it, and may appoint special commissioners to carry out its orders anywhere in Central America, though these orders must be transmitted through the ministry for foreign affairs of the state concerned. An optional article makes it possible for the court to take jurisdiction "over the conflicts which may arise between the legislative, executive and judicial power, and when as a matter of fact the judicial decisions and resolutions of the national congress are not respected" in any state, a provision which was not fully ratified.

The third convention provided for mutual extradition of criminals and defined extraditable crimes.

The fourth convention aimed "to develop the interests common to Central America." To this end an international Central American bureau was established "to combine every effort toward the peaceful reorganization of their mother country, Central America." The bureau, with duties specified in some detail, was placed at Guatemala and its membership consists of one person from each of the five states.

The fifth convention, based on that of San José of September 25, 1906, created a Central American pedagogical institute, establishing a normal school and aiming to bring about a common system of education in the five states.

The sixth convention provided for annual conferences for five years, specified numerous subjects for their consideration and had for its recognized ulterior purpose the idea that such conferences were "one of the most efficacious means to prepare for the fusion of the Central American peoples into one single nationality."

[1] Schillinger *v.* U. S., 155 U. S. 166, and U. S. *v.* Lee, 106 U. S. 207.

The seventh convention contemplated measures looking toward the proper connection of the several republics by railroad.

INAUGURATION OF THE CENTRAL AMERICAN COURT.

The Central American Court of Justice was hailed from the first as the most important creation of the 1907 conference; and that its inauguration should take place with somewhat conspicuous formality was natural. This was wise. For Central America in 60 years had a dozen times promised itself to leave its disputes out to men instead of bullets,—and any inaugural exercises that would write the new promise indelibly on memories was much to be desired.

The court had an auspicious beginning. Its installation was set for May 25, 1908, and Costa Rica as the host of the occasion invited delegations from the United States and Mexico, the godparents of the whole scheme. William I. Buchanan of the United States and Enrique C. Creel, Mexican ambassador to Washington, were designated to represent their governments, and Mr. Buchanan immediately started for Mexico. On May 14 Mr. Buchanan, Mr. Creel and their parties went on board the United States cruiser *Albany* at Salina Cruz, Mexico, whence they headed for San José, Guatemala. There, at Acajutla, Salvador, and Amapala, Honduras, the *Albany* exchanged numerous salutes and took on board all the judges of the court except the Costa Rican. She then proceeded to Panamá, and the delegates crossed the Isthmus by railroad, being met at Colón by the United States cruiser *Des Moines*, on which they went to Limón, Costa Rica, whence the trip was made by train to Cartago, the old capital of Costa Rica and the seat of the court.

After such an official odyssey, it is not surprising that the inaugural exercises on May 25 were "begun amid profound silence, in the presence of one of the most distinguished and representative assemblages that had ever convened in Costa Rica, and witnessed outside the building by a mass of people who packed every inch of available space in the adjoining streets." The exercises began with the declaration by its president that the court was open. Luis Anderson, Costa Rican minister for foreign affairs and in the previous year president

of the Washington conference, followed with words of more than Central American application, saying in part:

Arbitration has been contemplated as a sure means of arriving at pacific solutions, and those peoples who have been favored thus have accumulated strong proofs of its efficiency in their national life and have escaped in their history pages of sorrow.

In the history of the countries of Spanish America the noble idea has a glorious origin. It was born with their independence as though inseparable from liberty, and as a necessary element in their existence, since liberty surges from truthful force, which resides in justice. It was thus comprehended by the genius of Bolívar at the very beginning of American emancipation, and, notwithstanding frequent and lamentable vicissitudes, is today, germinated by the deep desire of Central American patriotism developing itself, and will soon begin to give abundant and beneficent fruit. . . .

Civilization does not halt in its march while there is a step in advance to be taken, but day by day transforms ideas into doctrines and doctrines into institutions. All realized progress is crystallized into practical and fundamental form after the natural period of evolution of idealistic theory. For this reason great thinkers believe that the idea of international arbitration, a simple humanitarian doctrine contemplated by philanthropists as the base of a superior aspiration, must be carried farther and be converted into an institution which shall form an integral part of the organism of nations. . . .

The glory of making the first attempt at such an institution, worthily represented by this court of justice for Central America, belongs to us, and our prayers, which will be accompanied without doubt by those of all thinkers in the world, are that the results of this tribunal will reach the ideal and the legitimate hopes placed in it by our patriotism and humanity.

The governor of the province in which Cartago is situated then welcomed the company, and was succeeded by Mr. Creel for Mexico and Mr. Buchanan for the United States. Mr. Creel in an eloquent address extolled the court as "the triumph of justice over passion and of principles over force," but did not fail to advise:

The conventions of Washington constitute a program of civilization of the greatest importance and of the highest order to the five Republics. The happiness of these people depends upon their faithful execution and exact compliance with their terms.

Mr. Buchanan gave good advice even more pointedly:

While applauding this new movement toward the quiet, orderly, and judicial adjustment of international questions, the world will confidently expect that success will follow, and will not be satisfied with less than that.

To reach this splendid ideal it is necessary, however, that the conclusions

of this court shall be of so high and of so impartial a character, and the acquiescence therein on the part of the Governments of Central America so full and prompt, that together they shall be morally recognized as an expression of the national conscience of Central America, as stated in Art. XIII of the convention creating this court.

To accomplish this there must be behind this court and its decisions an elevated, patriotic public conscience in each of the Republics that will lift and maintain the court in every way above the plane of political purposes or necessities.

He concluded in Spanish with an announcement of great interest to the court:

I have received a telegram from his Excellency the Secretary of State of the United States, Hon. Elihu Root, instructing me to advise your Excellencies that he has been authorized by Mr. Andrew Carnegie to offer the sum of $100,000 for the construction in the city of Cartago of a temple of peace to be destined for the exclusive use of the court of justice for Central America, as a mark of his good wishes for the peace and progress of Central America and of his confidence in the success of the great work of humanity and justice which is to spring from this court, which is to constitute a new and splendid example of civilization, of peace, of justice, and of confraternity in the relations of the countries represented here.

The proceedings closed with enthusiastic formal addresses by the president of Costa Rica and the president of the court, but the day was completed with a multitude of telegrams and cablegrams that showed very clearly how hopefully Central America welcomed its new creation.[1]

HAGUE AND CENTRAL AMERICAN COURTS COMPARED.

The Central American Court of Justice is worthy of consideration from the fact that its jurisdiction is the broadest ever instituted in a permanent system between nations. More than that, in some respects it is even broader than any temporary international tribunal has ever had, and compares very favorably with that of national courts. Therefore it marked an advance in a world where enlightened opinion was rapidly crystallizing around the idea that an international legal system, definite in character and operating with certainty,

[1] For complete account of the inaugural ceremonies see *Foreign Relations of the United States*, 1908, 215–247, and *República de Costa Rica. . . . Memoria de Relaciones exteriores . . .*, 1908, xiii–xiv, 55–68.

was a necessity if progress toward peace was to be made. How great an advance it marked can be seen by comparing the jurisdiction of the proposed Court of Arbitral Justice at The Hague—the highest point of international aspiration before the European war—with the jurisdiction of the Central American court.

The Court of Arbitral Justice in a way would have been without jurisdiction, being "competent to deal with all cases submitted to it," at the pleasure of the parties. Three members of the court were, however, to have formed a delegation which could:

1. Decide arbitrations under summary procedure, "if the parties concerned are agreed;"
2. Hold a commission of inquiry, "in so far as the delegation is intrusted by the parties acting in common agreement;"
3. Settle the terms of an arbitration agreement (*compromis*), "if the parties are agreed to leave it to the court;"
4. Settle the terms of a *compromis* when requested by one party only, after diplomacy has failed, (*a*) if a dispute falls within the terms of a general arbitration treaty in force, or (*b*) if a dispute concerns contract debts on which arbitration has been accepted.

Thus it is evident that the Powers at The Hague only two months before the Central American conference at Washington were unwilling to leave any discretion to their proposed court, while all problems likely to be serious menaces to good order were carefully reserved to themselves under the terms of general arbitration treaties excepting questions of "vital interest or national honor," phrases whose elastic limitations are very deliberately left uncertain. In other words, the jurisdiction of the proposed Court of Arbitral Justice was about as negative and indefinite as it could be. Yet it was the best agreement that the Powers could reach, and even more than was hoped for.

Look now at the jurisdiction of the Central American Court of Justice as given in the Regulations of December 2, 1911:

Art. 16. The Central American Court of Justice does not, in the cases falling within its ordinary jurisdiction, have any more authority or attributions than those which are given to it by its own constitutive law; and from the time when a suit is filed, it possesses the power to fix its jurisdiction upon the main point at issue as upon all side issues which shall arise during the substantiation of the case, and to construe the treaties and conventions

and apply the principles of international law relative to the point or points in controversy.

Art. 17. The ordinary jurisdiction of the court includes:

1. All questions or controversies between the Central American states, whatever may be their source or nature, if the foreign offices concerned have failed to reach a settlement, whether this be shown by record of proceedings or by other effective documents, or by the fact of the parties being in a state of war;

2. Suits filed by a Central American against any of the contracting states, not his own, when such suits shall refer to a violation of the obligations of a treaty or convention, or to other questions of an international character, on condition that he shall have exhausted all the resources afforded by the laws which the respective country may have provided in his behalf against the acts giving rise to the judicial action, or if a denial of justice is shown.

3. The power to fix, in accordance with Art. XVIII of the convention, the position in which the contending parties shall remain during the pendency of the suit initiated between them, and, in consequence, that of issuing such precautionary orders which it may deem necessary, as well as the power to modify, suspend or revoke them, according to the circumstances.

4. Cases of internal public law, embraced in the article annexed to the said convention, in respect to the states which included this clause in the legislative ratification of the pact.

Art. 18. The extraordinary or compromisory jurisdiction embraces:

1. Questions not included in Sect. 2 of Art. 17, which may arise between one of the Central American governments and private persons, when submitted to the court by common consent;

2. Controversies of an international nature, between any of the Central American governments and that of a foreign nation, which, by a convention concluded for that purpose, the parties may decide to examine and adjust before the court.

The Ordinance of Procedure adds:

Art. 6. In order that in questions between states an action may be admissible, corresponding to the ordinary jurisdiction, according to Art. 17 of the Regulations, it must be sufficiently shown in the judgment of the court that diplomatic efforts have been made without success to obtain a settlement; or the impossibility of attempting any such efforts on account of the existence between the parties of a state of war declared or actually in progress.

In the cases set forth under Art. II of the convention, the private plaintiff must show that, to obtain redress for the violation charged, he has made use of all means conducive thereto in conformity with the laws of the state, or that there has been a denial of justice.

Art. 12. After an action has been passed upon and decided by the court, no new claim referring thereto shall be admissible which is founded on the same facts and circumstances and directed toward the same purpose.

That is very positive jurisdiction, from which reserves of "vital interest and national honor" have substantially disappeared. An appellate character of the jurisdiction is indicated by insistence that other methods of securing justice shall first be exhausted.

In turning to the work of this judicial organization, it is well to keep in mind the sage remark of Mr. Buchanan that "an entire absence of business for the court would be the highest justification for its creation;"[1] for a court, to continue quoting from Mr. Buchanan's words, enjoins "the greatest prudence, tact and statesmanship . . . in everything even remotely likely to reach" it. The mere existence of a court has a powerful tendency to cause either individuals or states to cut their action according to the rules of law. This effect is the most far-reaching reaction of legal machinery, and no true estimate of the operation of an international court can be made unless this effect is considered. The presence of stable internal conditions, the absence of international political crises, the general lack of exciting news are healthier signs than litigation.

WORK OF THE COURT OF JUSTICE.

The first case came before the court as a result of events occurring within a month of its installation. In July, 1908, a revolutionary movement broke out in Honduras. On July 10, 1908, Rodolfo Espinosa, minister for foreign affairs of Nicaragua, telegraphed to Alfredo Volio, minister for foreign affairs of Costa Rica, that, "deploring the events taking place in the sister republic of Honduras and having proof, emanating from that government, that the governments of Guatemala and Salvador are participating in those events, being very desirous of first giving exact fulfilment to the provisions of the treaties of Washington, and with the object of preventing events from becoming more aggravated, his [the Nicaraguan] government, through [the Costa Rican] chancellery, has laid the complaint caused by such proceedings before the high tribunal of Cartago." Forthwith, Cleto González-Víquez, president of Costa Rica, addressed a letter to the other four Central American presidents announcing that his govern-

[1] *Foreign Relations of the United States*, 1908, 247.

ment had brought the matter before the court. He proposed a joint mediation to obtain a "fraternal and friendly solution or subjecting it to the decision of the tribunal." And he added: "Our honor, our dignity, our name will depend in the eyes of the world on preserving and respecting this tribunal." Notwithstanding this formal mediation, the incident is significant because it was probably the first instance of states not parties to a difficulty haling the actual parties before a court for the trial of their case.[1]

Honduras immediately filed its case by telegraph, the court issued interlocutory decrees against Honduras on the one side and Guatemala and Salvador on the other, and for a time the telegraph wires were loaded with legal documents. The court eventually rendered a decision on December 19, making it somewhat of a compromise verdict. Three members determined that the court properly had jurisdiction, but absolved Guatemala and Salvador of responsibility for the Honduran disorder. Neither side was condemned to pay the costs.[2] Nevertheless, there has not since been a revolt in Central America clearly precipitated from beyond a state's border.[3]

In two instances the extraordinary international jurisdiction of the court has been exceeded; and, though the efforts were unsuccessful in their immediate purpose, the effect encouraged the hope for peace in Central America. Both are noteworthy, because they represent a judicial activity that is not customary even within a nation. Imagine a judge coming in unsolicited and trying his conciliatory abilities on a domestic quarrel and we have a counterpart of the Central

[1] The affair is not reported in *Anales de Corte de Justicia Centro-americana*, which began publication in 1911. The account is transcribed from *República de Costa Rica. . . . Memoria de Relaciones exteriores . . .*, 1909, vii–xi, and 9–10. See also *Boletín oficial de la Secretaría de Relaciones Exteriores*, Mexico, XXVI, 223–227.

[2] The interlocutory decrees of July 8, 1908, are printed in English translation in *American Journal of International Law*, 2, 835–841. The vote on questions preliminary to the decision of December 19, 1908, is printed *ibid.*, 3, 434–436, the Spanish text of the complete decision being in *Nouveau général recueil de traités*, III série, 5, 325 *ff.*

[3] An incident of invasion of Costa Rica by the Nicaraguan army, while fighting offensively, occurred about November 11, 1909, and elicited an apology from President Zelaya of Nicaragua. (*Foreign Relations of the United States*, 1909, 453–454.)

American court's effort to calm the whirlwind of two Nicaraguan revolutions.

"Since the Washington conventions of 1907," wrote Secretary of State Knox [1] in handing the Nicaraguan minister his passports on December 1, 1909, "it is notorious that President Zelaya has almost continuously kept Central America in tension or turmoil; that he has repeatedly and flagrantly violated the provisions of the conventions, and, by a baleful influence upon Honduras, whose neutrality the conventions were to assure, has sought to discredit those sacred international obligations, to the great detriment of Costa Rica, Salvador, and Guatemala, whose governments meanwhile appear to have been able patiently to strive for the loyal support of the engagements so solemnly undertaken at Washington under the auspices of the United States and of Mexico. It is equally a matter of common knowledge that under the régime of President Zelaya republican institutions have ceased in Nicaragua to exist except in name, that public opinion and the press have been throttled, and that prison has been the reward of any tendency to real patriotism."

On October 11, 1909, a revolution had started against Zelaya, who had held power in Nicaragua continuously for 18 years without even the form of an election, "unless an exception may be made of the occasion when three candidates, José, Santos and Zelaya, were put up and were voted for" [2]—President José Santos Zelaya being rather necessarily declared the victor at the polls. Zelaya resigned power in the face of the revolution on December 16, 1909, and under the constitution José Madriz, Nicaraguan member of the Court of Justice, was designated to succeed him. Francisco Paniagua-Prado was appointed to succeed Dr. Madriz as member of the court. Dr. Madriz continued to be opposed by the revolutionaries, who, however, about March 3 proposed mediation by the United States, which refused to act because the proposal came from one side only.[3] The Nicaraguan member of the Court of Justice made the next move. In a letter of April 11 he proposed to the court that "it direct to the Madriz

[1] *Foreign Relations of the United States*, 1909, 455.

[2] George T. Weitzel, *American Policy in Nicaragua*, 20. (Sen. Doc. No. 334, 64th Cong., 1st Sess.)

[3] *Foreign Relations of the United States*, 1910, 743.

government and to the revolution a request urging them to reach a mutual agreement on peace as soon as possible, the tribunal offering itself to accomplish this purpose either as a mediator or arbitrator and its decision to be respected."

The court acted on the suggestion in its session of April 27, and a telegram was sent to both parties asking them to "agree to an armistice of eight days wherein to propose terms to this tribunal, which offers itself as a friendly mediator." President Madriz found it impossible to accept the armistice because he was unable to communicate with his armies; General Juan J. Estrada of the revolution thought acceptance of the court's good offices inconsistent with the requested mediation of the United States, concerning which his opponent had not expressed himself. On May 10 the court resolved itself into permanent commission with only the judges of Guatemala, Honduras and Nicaragua sitting. No provision for such an arrangement for the continuity of the court occurs in the treaty of Washington, and the Regulations, which do provide for it, were not issued until December 2, 1911.[1] Therefore, on May 12, 1910, President Madriz was able to reply to a reiteration of the tender of good offices that "the disintegration, although temporary, suspends the convention of Washington." Denying the conclusion, the permanent commission continued its efforts.

A month later, Dr. Madriz addressed to President Taft a letter complaining of what he considered unneutral interference with his military operations by American war vessels at Bluefields. The reply of the Secretary of State on June 19 and other documents point to the legal correctness of the American position.[2] The permanent

[1] In Art. 4 of the Regulations of the court this is described as follows:
"Whenever for any reason the court shall disintegrate, the judges present shall be constituted into a permanent commission for the purpose of directing to whomever it may be proper the petitions tending to complete the legal quorum, and for the further purpose of attending to the official correspondence and to the administration of the office concerning everything which may be urgent and indispensable."

[2] President of Nicaragua to President Taft, June 13, 1910, *Foreign Relations of the United States*, 1910, 751–752; Secretary of State to Consul Moffat, June 19, 1910, *ibid.*, 753; Consul Moffat to Secretary of State, July 10, 1910, *ibid.*, 756; Acting Secretary of State to Minister Peirce at Kristiania, July 22, 1910, *ibid.*, 756–757. The Madriz letter to President Taft is also in *Anales de la Corte de Justicia Centroamericana*, I, 157–159.

commission of the court was informed of the correspondence, but wisely refrained from action. On June 23 it was therefore in position formally to repeat to both sides its offer of mediation. To the tender were appended "Bases for the Settlement of the Nicaraguan Question," 11 in number.[1] In reply, President Madriz asked for General Estrada's response to the previous offer and held that "the court must be reintegrated according to the Washington convention" before its mediation would be acceptable. General Estrada's faction could not accept on account of the failure of Dr. Madriz to respond to earlier offers and "because it would thereby commit a grave offense to the American government," which it had asked to mediate.[2]

The effort failed for a casual reason. If the court as such could be convened, the Madriz objection would be avoided; and the Estrada objection would be nullified by the United States itself. The presence of President Bocanegra of the court, judge for Guatemala, was required to make the court complete, and he was summoned by telegraph. He replied in substance: "The grave condition of my daughter makes it impossible for me to come at once, while she hovers between life and death. Be good enough to inform me whether the proposed bases have been accepted by both contestants, since without that requisite I do not see the urgency of a journey during my leave of absence and in my anxious state of mind."

That was on July 3. On August 18 the Madriz troops were defeated, and the next day were routed and their general killed. On August 20 President Madriz deposited the "presidency" with José D. Estrada, brother of the general, and the need for mediation was temporarily over.[3]

[1] *Anales de la Corte*, I, 160–161.

[2] The Madriz objection had perhaps a legal basis, but the difficulty was corrected by the Regulations of the court.

The Estrada objection was invalid in fact, though the fact was probably unknown to General Estrada. The secretary of the court on June 23, cabled its intention to Secretary of State Knox, who on June 25 clearly indicated in his response that he approved of the court's course. (See *Foreign Relations of the United States*, 1910, 754, 755.)

[3] The relations of the United States to Nicaragua during all the period from November, 1909, to the retirement of Madriz were not normal. Two adventurous Americans, Lee Roy Cannon and Leonard Groce, were participants in the revolution against Zelaya, and were captured while laying mines in the San Juan River

In July, 1912, another conflict broke out in Nicaragua. Undaunted by its former experience, the court made itself a party to the matter by deciding on August 5 "to name a commission made up of two judges and the secretary of the court to offer, if it seems proper, its friendly mediation on behalf of peace, with all necessary powers in the premises." This action was taken on the suggestion of the judge for Nicaragua, but five days later the court met again to decide that a third judge should be added to the commission.

About a month was spent in Nicaragua by the commission in a labor clearly beyond the jurisdiction of the court and frankly "inspired by the sentiment of patriotism and of family community." Arrived in Nicaraguan territory, a telegram was addressed to President Adolfo Díaz requesting passports and to General Luis Mena, leader of the insurrection, asking for safe-conducts. The president, after a delay, welcomed the commission to Nicaragua but did not send passports, though his civil and military chief at Rivas was substantially able to give them something just as good, his aid. Secretary Ernesto Martín of the court was sent to Mena's headquarters at Granada for safe-conducts and the commissioners attempted to follow, being defeated in their purpose because the military demand for horses had left none for transporting officers of justice. After a delay of three days, the problem was solved by securing a private

to blow up transports. A Frenchman named Couture was engaged with them and also captured. The three were tried in rapid proceedings, the two Americans being sentenced to death and the Frenchman to a year in jail. As soon as a firing squad could be found, the Americans were executed. That occurred on November 16 and caused much condemnation in the United States and Central America. On December 1 Secretary of State Knox, charging that the Zelaya régime was "a blot upon the history of Nicaragua and a discouragement to a group of republics whose aspirations need only the opportunity of free and honest government" and finding "no definite responsible source to which the government of the United States could look for reparation for the killing of Messrs. Cannon and Groce," severed diplomatic relations with the Zelaya government. Zelaya resigned on December 16, Dr. Madriz succeeding him by inauguration on December 21. Though Dr. Madriz expressly condemned the execution of Cannon and Groce as illegal, the continuance of the revolution made it inadvisable from the point of view of the United States to recognize his position as president. Dr. Madriz "deposited the presidency" with José Dolores Estrada on August 20, 1910, who passed it along to his brother on the 23rd. The United States entered into *de facto* relations with Provisional President Juan José Estrada in October, an election was held and he was chosen to the presidency. (*Foreign Relations of the United States*, 1909, 446–459; 1910, 738–767.)

vehicle, and on August 21 the commissioners had the satisfaction of being cordially received at Granada by General Mena. "Peace was desired in Granada by all social classes," and even by members of the so-called constituent assembly of the revolution. General Mena consented to negotiations without hesitation, and on his behalf his representatives made only one condition, that the decrees of the constituent assembly established by them should be respected and fulfilled.

The commissioners went next to Masaya where General Benjamin Zeledón headed another section of disaffected citizens in a city where "we were hailed with delirious acclamations." The Liberal general would agree to an armistice, insisting that, with peace re-established, Nicaraguans should have "all rights and guaranties" and that the autonomy of the country should be assured.

The commission reached Managua, the capital, on the 24th after a difficult journey, part of which was made in a cart pulled by three soldiers. The following day articles of mediation were drawn up for presentation to President Díaz that evening. An interview in the presence of his minister for foreign relations ended the peace pilgrimage with a peremptory decisiveness. The reply was by Diego Manuel Chamorro, the minister, who said:

> The government has always been very well disposed toward peace. With General Mena already in arms, it hoped that the conflict might be settled peacefully, and did not fire a shot so long as it was not attacked. It gladly welcomed the acts in favor of conciliation by the ministers of the United States of America and Salvador and the chargé d'affaires of Costa Rica, which bore no fruit because they were not accepted by the revolution. On the other hand the very lenity with which the government has treated the rebels is the reason why events have assumed the gravity they now have, since the revolution has taken advantage of armistices *de facto* conceded by the government for the active prosecution of their operations. For these reasons it is not possible for the president to enter into arrangements for an armistice, which assuredly would not be respected by the revolution; but he is not indisposed to hear the peace propositions which his opponents may present. He has always been ready to do this. In view of what I have said, it is not possible for the government to lend itself to the propositions of the peace commission, whose efforts nevertheless I applaud and welcome.

The commission tarried in Managua, though preparing for the return journey to Costa Rica. As they were ready to leave, the minister of Salvador urged them to remain, on the ground that there was reason to believe that the Nicaraguan government would change its mind and solicit their good offices within a few days. He spoke in the name of the diplomatic corps, with the exception of the American minister. The latter visited the commissioners to express the opinion that it was very doubtful that the government would reconsider; "but that if the commission would send him a request which would give him sufficient authority to intervene in the affair, he would use all suitable means (*todas las diligencias conducentes*) in behalf of the idea. The commission, for obvious reasons, abstained from assuming such an attitude."[1]

These two affairs have been chosen for relation in some detail because they exhibit clearly the beneficial effect of an existing court even when it is exerting influence beyond its jurisdiction, and even when it fails to get results. Fate, acting on a hint from Washington, decreed that republicanism was more important than mere cessation of hostilities in one instance and in the other that the time-honored and ill-reputed plan of making the generalissimo chief of state by force should perish without parley. But with all political considerations aside, the action of the court remains notable and useful. Notable, because these extra-jurisdictional activities were conducted without the slightest difficulty, and therefore with an accession of prestige to the court.[2] Useful, because a court prying

[1] *Anales de la Corte de Justicia Centro-americana*, II, 149.

[2] In these events the interest of the United States was considerable and its participation not wholly diplomatic. Not long after entering into *de facto* relations with Provisional President Juan José Estrada, an agreement was effected by which a constitutional convention was to meet on December 15, 1910, elect Estrada president for two years and Minister for Foreign Affairs Adolfo Díaz vice president. Estrada was not to be a candidate to succeed himself. Minister of Finance Luis Mena, "who controls arms and ammunitions," was a party to the plan, which involved arrangements with the United States concerning finances. Under this head, a loan was to be negotiated on the security of the customs, an American financial expert was to complete arrangements and a loan contract to be obtained in the United States. Liquidated claims were to be paid immediately and unliquidated claims handled according to a plan to be agreed upon by the United States and Nicaragua. These plans were signed on November 6, 1910. (*Foreign Relations of the United States*, 1910, 763–764.) By decree of March 29,

around among revolutionists and calling attention to standards of conduct at the moment disregarded is a decided discouragement to making revolution a profession.

SIGNIFICANCE AND HISTORY OF OTHER ORGANS.

Important as is court apparatus, it lacks a complete connection with the developing life of a people. Courts necessarily must administer only that part of human standards which has proved to be a set of safe rules for the guidance and control of affairs. The newer aspirations of a people inevitably forge farther ahead. Moreover, courts cannot stand alone. They must be buttressed with a sound public life and adequate institutions.

Central America knew when its delegates gathered at Washington

1911, the Nicaraguan Mixed Claims Commission was constituted and January 31, 1915, it ceased to exist, having examined 7,911 claims, of which three were by the government. The 7,908 claims against the government called for a total of $13,808,161, but the commission awarded only $1,840,432.31 to the claimants. The commission consisted of two Americans and one Nicaraguan, Judge Otto Schoenrich being president. (See Otto Schoenrich, "The Nicaraguan Mixed Claims Commission," *American Journal of International Law*, 9, 858–869.) The loan convention was signed at Washington on June 6, 1911, but the Senate by a tie vote failed to report it out of committee in May, 1912. A temporary loan was then negotiated with American bankers, a collector general of customs, nominated by the bankers and approved by the American secretary of state, being in control of the ports.

President Estrada soon resigned and Adolfo Díaz became president long before the two years of the Estrada-Díaz-Mena agreement of November 6, 1910, were up. General Mena had shifted from minister of finance to minister of war, in control of the military forces. On July 29, 1912, he started the revolution in which the court attempted to intervene. On August 4, on the recommendation of President Díaz, about 100 bluejackets were sent from the U. S. S. *Annapolis* to Managua to protect American citizens and act as a legation guard. On August 6 Bluefields on the east coast was the scene of the landing of 50 men from the *Tacoma*, and on August 15 a force of 350 marines reached Managua, the capital, from the Canal Zone. Ships of the Pacific fleet were ordered to Nicaragua, and by September 14 there were 2,350 men ashore. The purpose was to protect American lives and property, especially railroads, to protect other foreigners, to open the railroad between Corinto and Granada, to maintain a legation guard, and to relieve privation and hunger where the battle lines had passed. "With the surrender of General Mena to Admiral Southerland and his deportation from the country, followed by the death of General Zeledón, the revolutionary movement quickly subsided, and by the later part of October practically normal conditions obtained throughout the country, although it was deemed prudent by our government to keep a considerable force ashore at various important centers until after the presidential elections in Nicaragua in November." (*Report of the Secretary of the Navy*, 1912, 8–9; Cong. Docs. No. 6405, 12–13.) Marines are still maintained at Managua.

in 1907 that the cure for the old régime could not stop with a court. There must be a fusing of interests, if peace was to persist. They knew it because the effort was an old story, for they were practiced hands at drafting constitutions for federations of fitful existence. What they needed was not knowledge of how to draft constitutions, but how to maintain institutions. Several of the treaties designed to make a federation of the five states had provided elaborately for unified codes on many subjects, but the failure of the federation schemes dragged down the lesser parts of the edifice.

It is interesting to observe that the conventions of the Washington conference of 1907 were largely built out of earlier efforts.[1] A first Central American Juridical Congress, held in June, 1897, at Guatemala City, had produced the pact of union, and laid the basis for unifying various important activities. The treaties that were then signed dealt with mercantile law, penal law, extradition, literary, artistic and industrial property, civil law and legal procedure; and four years later with political and international law.[2] A second Juridical Congress was held at San Salvador in February, 1901, when additional treaties providing for ratification of the preceding arrangements were signed.

This project was not realized, but it did create a precedent and some national decrees strongly reflected its purposes. The meeting of the presidents in 1902 paid some attention to unifying the five states socially, and that of 1904 was similarly cognizant of things desirable. But it was in 1906 at the conference of San José, from which Nicaragua was absent, that the plans of the previous decade took on precise form. The general treaty of peace and amity of

[1] An early instance was in Art. 5 of the treaty of alliance of Managua of August 26, 1873, signed between Guatemala, Honduras, Nicaragua and Salvador: "When the circumstances which cause this alliance shall no longer exist, they will earnestly labor for the formation of a common good for the republics of Central America, and in case they shall meet with any serious unexpected difficulties, they will take active steps to secure uniform legislation, weights, measures and foreign representation, and will do all in their power to strengthen the bonds which unite the peoples of Central America." (*Foreign Relations of the United States*, 1874, 112.)

[2] The treaties of the two juridical congresses are printed in *Centro-América*, II, 105–126.

September 25, 1906, dealt with arbitration, citizenship, professional, artistic and trade practice, copyright, commerce, a single merchant marine, railroads, telegraphic communication, exchange of official publications, validation of public papers, execution of judgments, extradition and with controlling the movements of political leaders outside their own countries. Two other conventions provided for establishing an international bureau and a pedagogical institute. The disturbing events which followed the conference in which these agreements were reached have been related, and it will be recalled that the conflict resulting between the Corinto and San José peace plans ended with the triumph of the latter.

CENTRAL AMERICAN INTERNATIONAL BUREAU.

Central America's peace conference of 1907 therefore had before it the well-defined problem of rendering effective the whole system that had been set down on paper. Advantage was taken of psychology in working out the plan. An international organ, once established, is more stable than a series of national ones for the reason that it takes an adverse vote of several independent parties to interfere with it. In Central America, also, international organs would be beyond the effect of revolutionary tendencies. The new reforms were consequently built around the Central American International Bureau. Time has centered them more definitely around it,[1]

[1] The work and development of the bureau are recorded in semi-annual reports, which are published as follows:

1. September 15, 1908–March 14, 1909, *Centro-América*, I, 161–184.
2. March 15–September 14, 1909, *Memoria de la Secretaría de Relaciones exteriores . . . de Costa Rica*, 1910, 40–44; *Centro-América*, I, 463–471.
3. September 15, 1909–March 14, 1910, *Memoria de . . . Costa Rica*, 1910, 44–48; *Centro-América*, II, 1–15.
4. March 15–September 14, 1910, *Centro-América*, II, 321–331.
5. September 15, 1910–March 14, 1911, *Memoria de . . . Costa Rica*, 1912, 53–8; *Centro-América*, III, 1–10.
6. March 15–September 14, 1911, *Memoria de . . . Costa Rica*, 1912, 63–76; *Centro-América*, III, 321–331.
7. September 15, 1911–March 14, 1912, *Centro-América*, IV, 1–13.
8. March 15–September 14, 1912, *Memoria de . . . Costa Rica*, 1913, 91; *Centro-América*, IV, 481–5.
9. September 15, 1912–March 14, 1913, *Memoria de . . . Costa Rica*, 1914, 53–55; *Centro-América*, V, 161–163.

and therefore some account of its operations and duties as they have developed will indicate what Central America now has in the way of peaceful mechanism outside of its court.

The treaty of 1906 for the establishment of a Central American International Bureau failed to specify duties. Its successor of 1907 left little to chance, and the duties of the bureau now are as follows:

Art. I. The following Central American interests are recognized as being those to which special attention should be paid:

1. To combine every effort toward the peaceful re-organization of their mother country, Central America.

2. To impress upon public education an essentially Central American character, in a uniform sense, making it as broad, practical, and complete as possible, in accordance with the modern pedagogical tendency.

3. The development of Central American commerce and of all that may tend to make it more active and profitable, and its expansion with other nations.

4. The advancement of agriculture and industries that can be developed to advantage in its different sections.

5. The uniformity of civil, commercial, and criminal legislation, recognizing as a fundamental principle the inviolability of life, respect for property, and the most absolute sacredness of the personal rights of man; uniformity in the system of custom-houses; in the monetary system, in such manner as to secure a fixed rate of exchange; general sanitation, and especially that of the Central American ports; confidence in the Central American credit; uniformity in the system of weights and measures; the definition of what constitutes real property, in such a firm and unquestionable manner as will serve as a solid foundation for credit and permit the establishment of mortgage banks.

It will be recalled that the sixth of the seven conventions of 1907 provided for a series of Central American conferences to convene annually on New Year's day. The convention had a duration of five years and six conferences were held to work up into treaties

10. March 15–September 14, 1913, *Memoria de . . . Costa Rica*, 1914, 55–60; *Centro-América*, V, 481–484.

11. September 15, 1913–March 14, 1914, *Centro-América*, VI, 161–165.

12. March 15–September 14, 1914, *Memoria de . . . Costa Rica*, 1915 (1914), 113–118; *Centro-América*, VI, 481–485.

13. September 15, 1914–March 14, 1915, *Centro-América*, VII, 161–169.

14. March 15–September 14, 1915, *Memoria de . . . Costa Rica*, 1915, 157–166; *Centro-América*, VII, 481–490.

15. September 15, 1915–March 14, 1916, *Memoria de . . . Costa Rica*, 1915, 170–173; *Centro-América*, VIII, 161–164.

16. March 15, 1916–September 14, 1916, *Centro-América*, VIII, 481–.

material on which agreement seemed to be ripe or worth trying for.[1] The Central American International Bureau prepared the programs for the conferences, and acts as their central and ratifying office. The conference of 1914 refrained from naming the place for the next meeting, thus suspending the series until the bureau should be able to report the execution of those conventions already signed and not yet executed. This was a sensible step because many of the provisions already made on paper offered great administrative and legislative problems before they could be put into effect. If depreciation of paper promises was to be avoided, some must be redeemed before more were issued. Central America is confidently looking forward to a full redemption of promises.

The conferences naturally discuss vital problems of Central America. Their activities, therefore, furnish the best account of the system that aims to make a new Central America.

PROGRESS TOWARD EDUCATIONAL UNITY.

Education is the great need of the Central American people. To be sure, Costa Rica spends more on public instruction than on preparation for war and has a percentage of literacy that compares favorably with that of Europe, but the other four states are deficient

[1] The following list indicates where the documents relating to recent Central American Conferences may be found:

Preliminary Central American Peace Conference, September 16–17, 1907, *Foreign Relations of the United States*, 1907, 643–652, 665, 681–684.

Central American Peace Conference (preliminary sessions), November 12–13, 1907, *Foreign Relations of the United States*, 1907, 685–686.

Central American Peace Conference, November 15–December 20, 1907, "Report of United States delegate," *Foreign Relations of the United States*, 1907, 665–727.

First Central American Conference, Tegucigalpa, Honduras, January 1–20, 1909, *Foreign Relations of the United States*, 1909, 379–382; protocols of sessions, *Memoria de . . . Costa Rica*, 1908, 5–36.

Second Central American Conference, San Salvador, February 1–5, 1910, protocols of sessions, *Memoria de . . . Costa Rica*, 1910, 11–23.

Third Central American Conference, Guatemala, January 1–20, 1911.

Fourth Central American Conference, Managua, January 1, 1912, program, *Centro-América*, III, 482–487.

Fifth Central American Conference, San José, January 1–16, 1913, program, *Centro-América*, IV, 497–9; protocols of sessions, *Memoria de . . . Costa Rica*, 1913, XV–XVII, 27–39.

Sixth Central American Conference, Tegucigalpa, January 1–8, 1914, program, *Centro-América*, V, 485–488; protocols of sessions, *Centro-América*, VI, 1–10.

in educational results.[1] To correct this deficiency the San José conference of 1906 provided for a pedagogical institute to train teachers, and the convention was re-enacted at Washington the next year. Its purpose is "to model public instruction on a spirit of Central Americanism and to direct it uniformly along the lines which modern pedagogy establishes." Each state was to send at least 40 students[2] to the institute, and the scheme was conceived as establishing a pedagogical league, "the first step toward the unification of the systems of education," for a period of 15 years. This beginning was designed to carry on the work recommended by a Central American Pedagogical Congress which met at Guatemala City in 1897 on the initiative of the Central Academy of Masters. That congress had recommended a scheme of study for the first six grades, to which the prescribed work in the schools substantially conformed in 1909.[3] Such conformity was necessary if grade teachers of the five republics were to be given the same normal instruction.

Actual provision for the normal institute was made at the Second Central American Conference on February 2, 1910, when a convention approving building plans, presented by Costa Rica, was signed. The edifice and equipment were to cost $300,000, each state paying $60,000. The first payment was to be $5,000 and monthly payments of $1,000 were to be made thereafter, the last being due in November,

[1] The following details of primary education were prepared in 1914 by the Central American Bureau:

Costa Rica.—Population, 410,981; primary schools, 383; teachers, 11,911; pupils, 31,407.

Guatemala.—Population, 2,092,824; primary schools, 1,837; teachers, (no data); pupils, 61,163.

Honduras.—Population, 650,000; primary schools, 890; teachers, 956; pupils, 93,253.

Nicaragua.—Population, 689,891; primary schools, 414; teachers, 208; pupils, 35,000.

Salvador.—Population, 1,200,000; primary schools, 722; teachers, 1,196; pupils, 43,282.

This gives the following totals for Central America: Population, 5,043,696; primary schools, 4,246; pupils, 264,105; percentage of pupils to total population, .052.

Similar figures for the United States are: Population, 101,151,900; teachers, 580,058; pupils, 19,153,796; percentage of pupils to population, .189.

[2] The maximum is 100 students each.

[3] See table in *Centro-América*, I, 605.

1914. These plans were delayed, and at the fifth conference, on January 8, 1913, a motion for realizing them was passed.

At the Sixth Central American Conference in 1914 further action respecting education was taken. Calling attention to the fact that the general treaty of 1907 validated all professional and secondary school titles of the five republics in each of them, a resolution instructed the bureau to prepare a scheme of primary, secondary and professional instruction for Central America for the consideration of the governments.[1] This scheme was submitted to the governments on November 27, 1915,[2] and awaits final action.

At the Third Central American Conference the unification of both primary and secondary education was provided in a convention signed at Guatemala City on January 12, 1911. A scientific study of the subject was to be made in each country and a pedagogical congress designated to meet at San José the next December to adopt a unified system of education and formulate programs on each subject according to the best modern standards.[3]

In 1914 the conference recommended that the bureau try to get the governments to agree upon an exchange of industrial and professional school fellowships in order that youths might "acquire an impartial, larger and fraternal judgment and develop mutual interests."[4]

The sixth conference suggested to the governments "the advantage of sending two students from each republic on a tour of instruction to the principal cities of the United States under the direction of a qualified professor."[5]

Outside the field of formal instruction the newspaper is the most important vehicle of education. Central America not being populous, its periodical press has been neither extensive nor of great circulation. The papers that circulated among the literate had an important effect because the literate led those who were strangers to the alphabet. In the old days unrestrained violence was a distinguishing characteristic of the Central American editor. Artists with invective in an idiom of marvelous elasticity in its epithets, the editors used to

[1] *Centro-América* VI, 7–8.
[2] *Ibid.*, VIII, 1–12.
[3] *Ibid.*, III, 136–137.
[4] *Ibid.*, VI, 8–9.
[5] *Ibid.*, VI, 6.

inveigh against their political opponents or the other countries with picturesque abandon. However, the editors caught the spirit of Central Americanism. They gathered on October 29–31, 1911, at Guatemala City for a Central American Congress of Periodical Editors; and they buried the past. Sixteen publications agreed to put themselves at the service of the cause of Central American union and to make all their date lines read: "Republic of Central America, State of.....," a caption now also carried on all official publications of the five countries. They agreed to abstain from a besetting sin by omitting from political discussions all personal references of an irritating character,[1] and they set a lofty example to the metropolitan editors of the world in the following declaration:

> On behalf of the moral regeneration of Central America, the associates in a pact of honor agree;
> *a*. To abstain from publishing pornographic and erotic matter which may corrupt manners;
> *b*. To give no publicity to the details of criminal acts which may encourage imitation of the crimes.[2]

A Central American Press Association was formed, and strong arguments presented in favor of a newspaper campaign to effect the union of Central America before the centenary of independence from Spain, September 15, 1921.[3]

FUTURE OF CENTRAL AMERICA.

Commerce, communication, agriculture, all the activities that go to make up civilized existence might be similarly reviewed, and in each field the impression would be gained that Central America is finding herself. Accomplishments in the various fields of reform, of course, vary, and in truth the net result throughout the five republics is still small. Nevertheless, the questions are complex, and

[1] "The Congress recognizes the advisability of unifying opinion on the sentiment for abolishing the custom of periodicals of making insulting attacks and personal discussions in which principles and doctrines are lost to sight." (*Centro-América*, III, 560, note.)

[2] *Centro-América*, III, 558.

[3] *Ibid.*, IV, 191–206.

the effect of the efforts is visibly seen in each one of them. Central American conventions have not failed of their purpose just because they have not always been made operative. For they have imposed national changes in the republics, have bred reform singly where they apparently seemed sterile collectively. National decrees and laws, treaties between contiguous states, have led to improvement and tended to harmonize systems. That is necessary preparation for the eventual culmination.

Most promising of all, a change is taking place in the people. Central America has lacked diversified leaders. Not long ago, a career meant politics, and success and honor came only to the government official. An over-supply of officials and the lack of other recognized careers were the twin causes of revolutionary conditions. Now young men of parts find other paths of honor opened to them in mining, industry, commerce and agriculture. Central America's civilization is becoming diversified.

Every one who has examined the subject has come to the belief that Central America is destined to federate. The foreigner who studies the matter is only less positive than the native. Nevertheless, as we have seen, Central America has failed half a dozen times to attain that result. Perhaps the distinctive cause is that nature gave Central America a canal route. That natural dowry has been Central America's Nemesis and her hope of fortune. The five states, which have a total area of about three-fourths that of Texas, are still quite poor, and for the most part heavily in debt. All through the 19th century canal plans were being made. Central America had a golden egg and the states themselves were well aware of it. The efforts to build a canal were many, and few of them failed to be reflected in Central American politics. States without a route wanted to federate so that members of the federation would share the price of the canal. States with a route insisted on retaining the price of the canal, in or out of a federation. Ambitious dictators had an eye on the possibility of forcing a federation and then cashing in the canal privilege. In the end, no one got the plum, for the canal was built at Panamá. But a possible route remained and Nicaragua at one time tried to realize on it. Nicaragua has now given an option

to the United States on her part of the route by way of the San Juan River and the lake. Costa Rica and the United States are bound by a protocol of December 1, 1900, to "enter into negotiations with each other to settle the plan and the agreements, in detail, found necessary to accomplish the construction and to provide for the ownership and control" of a canal, "when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Costa Rica as may be desirable and necessary." Costa Rica therefore cannot dispose elsewhere of such territory, and it may be assumed that the canal route no longer has an open market.

This has a direct bearing on Central American federation, for there is now no permanent cause for dissension in Central American politics. With this difficulty removed, with the many rudimentary developments and stable reforms of the 1907 conventions in existence, Central America is in truth seeing the dawn of a new day in the beginning of a unified civilization made possible by the acts of the Central American conference series and by the national laws inspired by these conferences.

A few years hence, on September 15, 1921, the five states will celebrate the centenary of their independence. The intervening time until then is ample to prepare a new United States of Central America, if it is well employed. The friends of Central America feel that she should adopt that ambition as her cardinal policy. They feel that her separate states should now make all possible reforms looking toward that end. They feel that her constitutions should be scientifically analyzed, and from such studies a draft constitution for the new federation should be produced. They feel that her experts in finance should study the national debts and devise equitable methods of consolidating them,—possibly by undertaking projects of real Central American scope such as the consolidation of railroad, telegraph and telephone systems.

The spirit of Central America is ready to realize the great ideal of a centennial union. Statesmen of broad vision are needed to make the idea their own and to lead the five sister states to the common goal.

APPENDIX I.

a. General Treaty of Peace and Amity.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, being desirous of establishing the foundations which fix the general relations of said countries, have seen fit to conclude a General Treaty of Peace and Amity which will attain said end, and for that purpose have named as Delegates:

COSTA RICA: Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA: Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez-Ocaña;

HONDURAS: Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angel Ugarte, and Don E. Constantino Fiallos;

NICARAGUA: Their Excellencies Doctors Don José Madriz and Don Luis F. Corea; and

SALVADOR: Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez-González, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the Protocol signed at Washington on September 17, 1907, by the Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates, assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

Art. I.—The Republics of Central America consider as one of their first duties, in their mutual relations, the maintenance of peace; and they bind themselves always to observe the most complete harmony, and decide every difference or difficulty that may arise among them, of whatsoever nature it may be, by means of the Central American Court of Justice,

created by the Convention which they have concluded for that purpose on this date.

Art. II.—Desiring to secure in the Republics of Central America the benefits which are derived from the maintenance of their institutions, and to contribute at the same time to maintaining their stability and the prestige with which they ought to be surrounded, it is declared that every disposition or measure which may tend to alter the constitutional organization in any of them is to be deemed a menace to the peace of said Republics.

Art. III.—Taking into account the central geographical position of Honduras and the facilities which owing to this circumstance have made its territory most often the theater of Central American conflicts, Honduras declares from now on its absolute neutrality in event of any conflict between the other Republics; and the latter, in their turn, provided such neutrality be observed, bind themselves to respect it and in no case to violate the Honduranean territory.

Art. IV.—Bearing in mind the advantages which must be gained from the creation of Central American institutions for the development of their most vital interests, besides the Pedagogical Institute and the International Central American Bureau which are to be established according to the Conventions concluded to that end by this Conference, the creation of a practical Agricultural School in the Republic of Salvador, one of Mines and Mechanics in that of Honduras, and another of Arts and Trades in that of Nicaragua, is especially recommended to the Governments.

Art. V.—In order to cultivate the relations between the States, the contracting Parties obligate themselves each to accredit to the others a permanent Legation.

Art. VI.—The citizens of one of the contracting Parties, residing in the territory of any of the others, shall enjoy the same civil rights as are enjoyed by nationals, and shall be considered as citizens in the country of their residence if they fulfill the conditions which the respective constituent laws provide. Those that are not naturalized shall be exempt from obligatory military service, either on sea or land, and from every forced loan or military requisition, and they shall not be obliged on any account to pay greater contributions or ordinary or extraordinary imposts than those which natives pay.

Art. VII.—The individuals who have acquired a professional degree in any of the contracting Republics, may, without special exaction, practice their professions, in accordance with the respective laws, in any one of the others, without other requirements than those of presenting the

respective degree or diploma properly authenticated and of proving, in case of necessity, their personal identity and of obtaining a permit from the Executive Power where the law so requires.

In like manner shall validity attach to the scientific studies pursued in the universities, professional schools, and the schools of higher education of any one of the contracting countries, provided the documents which evidence such studies have been authenticated, and the identity of the person proved.

Art. VIII.—Citizens of the signatory countries who reside in the territory of the others shall enjoy the right of literary, artistic or industrial property in the same manner and subject to the same requirements as natives.

Art. IX.—The merchant ships of the signatory countries shall be considered upon the sea, along the coasts, and in the ports of said countries as national vessels; they shall enjoy the same exemptions, immunities and concessions as the latter, and shall not pay other dues nor be subject to further taxes than those imposed upon and paid by the vessels of the country.

Art. X.—The Governments of the contracting Republics bind themselves to respect the inviolability of the right of asylum aboard the merchant vessels of whatsoever nationality anchored in their ports. Therefore, only persons accused of common crimes can be taken from them after due legal procedure and by order of the competent judge. Those prosecuted on account of political crimes or common crimes in connection with political ones, can only be taken therefrom in case they have embarked in a port of the State which claims them, during their stay in its jurisdictional waters, and after the requirements hereinbefore set forth in the case of common crimes have been fulfilled.

Art. XI.—The Diplomatic and Consular Agents of the contracting Republics in foreign cities, towns and ports shall afford to the persons, vessels and other property of the citizens of any one of them, the same protection as to the persons, ships and other properties of their compatriots, without demanding for their services other or higher charges than those usually made with respect to their nationals.

Art. XII.—In the desire of promoting commerce between the contracting Republics, their respective Governments shall agree upon the establishment of national merchant marines engaged in coastwise commerce and the arrangements to be made with and the subsidies to be granted to steamship companies engaged in the trade between national and foreign ports.

Art. XIII.—There shall be a complete and regular exchange of every class of official publications between the contracting Parties.

Art. XIV.—Public instruments executed in one of the contracting Republics shall be valid in the others, provided they shall have been properly authenticated and in their execution the laws of the Republic whence they issue shall have been observed.

Art. XV.—The judicial authorities of the contracting Republics shall carry out the judicial commissions and warrants in civil, commercial or criminal matters, with regard to citations, interrogatories and other acts of procedure or judicial function.

Other judicial acts, in civil or commercial matters, arising out of a personal suit, shall have in the territory of any one of the contracting Parties equal force with those of the local tribunals and shall be executed in the same manner, provided always that they shall first have been declared executory by the Supreme Tribunal of the Republic wherein they are to be executed, which shall be done if they meet the essential requirements of their respective legislation and they shall be carried out in accordance with the laws enacted in each country for the execution of judgments.

Art. XVI.—Desiring to prevent one of the most frequent causes of disturbances in the Republics, the contracting Governments shall not permit the leaders or principal chiefs of political refugees, nor their agents, to reside in the departments bordering on the countries whose peace they might disturb.

Those who may have established their permanent residence in a frontier department may remain in the place of their residence under the immediate surveillance of the Government affording them an asylum, but from the moment when they become a menace to public order they shall be included in the rule of the preceding paragraph.

Art. XVII.—Every person, no matter what his nationality, who, within the territory of one of the contracting Parties, shall initiate or foster revolutionary movements against any of the others, shall be immediately brought to the capital of the Republic, where he shall be submitted to trial according to law.

Art. XVIII.—With respect to the Bureau of Central American Republics which shall be established in Guatemala, and with respect to the Pedagogical Institute which is to be created in Costa Rica, the Conventions celebrated to that end, shall be observed, and those that refer to Extradition, Communications, and Annual Conferences, shall remain in full force for the unification of Central American interests.

Art. XIX.—The present Treaty shall remain in force for the term of ten years counted from the day of the exchange of ratifications. Nevertheless, if one year before the expiration of said term, none of the contract-

ing Parties shall have given special notice to the others concerning its intention to terminate it, it shall remain in force until one year after such notification shall have been made.

Art. XX.—The stipulations of the Treaties heretofore concluded among the contracting Countries, being comprised or suitably modified in this, it is declared that all stipulations remain void and revoked by the present, after final approval and exchange of ratifications.

Art. XXI.—The exchange of ratifications of the present Treaty, as well as that of the other Conventions of this date, shall be made by means of communications which are to be addressed by the Governments to that of Costa Rica, in order that the latter shall notify the other contracting States. The Government of Costa Rica shall also communicate its ratification if it effects it.

Signed at the city of Washington on the twentieth day of December, one thousand nine hundred and seven.

Luis Anderson
J. B. Calvo
Antonio Batres Jáuregui
Luis Toledo Herrarte
Víctor Sánchez O.
Policarpo Bonilla
Angel Ugarte
E. Constantino Fiallos
José Madriz
Luis F. Corea
Salvador Gallegos
Salvador Rodríguez G.
F. Mejía

b. Additional Treaty.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador have seen fit to conclude a Convention additional to the General Treaty, and to that end have named as Delegates:

Costa Rica: Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

Guatemala: Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez-Ocaña;

Honduras: Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angel Ugarte, and Don E. Constantino Fiallos;

Nicaragua: Their Excellencies Doctors Don José Madriz and Don Luis F. Corea; and

Salvador: Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez-González, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the Protocol signed at Washington on September 17, 1907, by the Plenipo-

tentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

Art. I.—The Governments of the High Contracting Parties shall not recognize any other Government which may come into power in any of the five Republics as a consequence of a *coup d'état*, or of a revolution against the recognized Government, so long as the freely elected representatives of the people thereof, have not constitutionally re-organized the country.

Art. II.—No Government of Central America shall in case of civil war intervene in favor of or against the Government of the country where the struggle takes place.

Art. III.—The Governments of Central America, in the first place, are recommended to endeavor to bring about, by the means at their command, a constitutional reform in the sense of prohibiting the re-election of the President of a Republic, where such prohibition does not exist, secondly to adopt all measures necessary to effect a complete guaranty of the principle of alternation in power.

Signed at the city of Washington on the twentieth day of December one thousand nine hundred and seven.

Luis Anderson
J. B. Calvo
Antonio Batres Jáuregui
Luis Toledo Herrarte
Víctor Sánchez O.
Policarpo Bonilla
Angel Ugarte
E. Constantino Fiallos
José Madriz
Luis F. Corea
Salvador Gallegos
Salvador Rodríguez G.
F. Mejía.

APPENDIX II.

a. Convention for the Establishment of a Central American Court of Justice.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua and Salvador, for the purpose of efficaciously guaranteeing their rights and maintaining peace and harmony inalterably in their relations, without being obliged to resort in any case to the employment of force, have agreed to conclude a Convention for the constitution of a Court of Justice charged with accomplishing such high aims, and, to that end, have named as Delegates:

COSTA RICA: Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA: Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez-Ocaña;

HONDURAS: Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angel Ugarte, and Don E. Constantino Fiallos;

NICARAGUA: Their Excellencies Doctors Don José Madriz and Don Luis F. Corea; and

SALVADOR: Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez-González, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the Protocol signed at Washington on September 17, 1907, by the Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates, assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

Art. I.—The High Contracting Parties agree by the present Convention to constitute and maintain a permanent tribunal which shall be called the "Central American Court of Justice," to which they bind themselves to submit all controversies or questions which may arise among them, of whatsoever nature and no matter what their origin may be, in case the respective Departments of Foreign Affairs should not have been able to reach an understanding.

Art. II.—This Court shall also take cognizance of the questions which individuals of one Central American country may raise against any of the other contracting Governments, because of the violation of treaties or conventions, and other cases of an international character; no matter whether their own Government supports said claim or not; and provided that the remedies which the laws of the respective country provide against such violation shall have been exhausted or that denial of justice shall have been shown.

Art. III.[1]—It shall also take cognizance of the cases which by common accord the contracting Governments may submit to it, no matter whether they arise between two or more of them or between one of said Governments and individuals.

Art. IV.—The Court can likewise take cognizance of the international questions which by special agreement any one of the Central American Governments and a foreign Government may have determined to submit to it.

Art. V.[2]—The Central American Court of Justice shall sit at the City of Cartago in the Republic of Costa Rica, but it may temporarily transfer its residence to another point in Central America whenever it

[1] An additional protocol, signed at Washington, December 20, 1907, corrects this article to read as follows:

"It shall also have jurisdiction over cases arising between any of the contracting Governments and individuals, when by common accord they are submitted to it."

[2] By a convention signed at Guatemala City, January 10, 1911, and owing to the destruction of the Carnegie palace of the Court of Justice at Cartago by an earthquake on May 4, 1910, the Court of Justice was transferred to San José. The Guatemala convention provides:

Art. I.—Art. V of the Treaty of Washington of December 20, 1907, remains in force in the following terms: "The Central American Court of Justice shall sit at the City of San José in the Republic of Costa Rica, but it may temporarily transfer its residence to another point in Central America whenever it deems it expedient for reasons of health, or in order to insure the exercise of its functions, or for the personal safety of its members."

deems it expedient for reasons of health, or in order to insure the exercise of its functions, or for the personal safety of its members.

Art. VI.—The Central American Court of Justice shall consist of five Justices, one being appointed by each Republic and selected from among the jurists who possess the qualifications which the laws of each country prescribe for the exercise of high judicial office, and who enjoy the highest consideration, both because of their moral character and their professional ability.

Vacancies shall be filled by substitute Justices, named at the same time and in the same manner as the regular Justices and who shall unite the same qualifications as the latter.

The attendance of the five justices who constitute the Tribunal is indispensable in order to make a legal quorum in the decisions of the Court.

Art. VII.—The Legislative Power of each one of the five contracting Republics shall appoint their respective Justices, one regular and two substitutes.

The salary of each Justice shall be eight thousand dollars, gold, per annum, which shall be paid them by the Treasury of the Court. The salary of the Justice of the country where the Court resides shall be fixed by the Government thereof. Furthermore each State shall contribute two thousand dollars, gold, annually toward the ordinary and extraordinary expenses of the Tribunal. The Governments of the contracting Republics bind themselves to include their respective contributions in their estimates of expenses and to remit quarterly in advance to the Treasury of the Court the share they may have to bear on account of such services.

Art. VIII.—The regular and substitute Justices shall be appointed for a term of five years, which shall be counted from the day on which they assume the duties of their office, and they may be re-elected.

In case of death, resignation or permanent incapacity of any of them, the vacancy shall be filled by the respective Legislature, and the Justice elected shall complete the term of his predecessor.

Art. IX.—The regular and substitute Justices shall take oath or make affirmation prescribed by law before the authority that may have appointed them, and from that moment they shall enjoy the immunities and prerogatives which the present Convention confers upon them. The regular Justices shall likewise enjoy thenceforth the salary fixed in Article VII.

Art. X.—While they remain in the country of their appointment the regular and substitute Justices shall enjoy the personal immunity which the respective laws grant to the magistrates of the Supreme Court of

Justice, and in the other contracting Republics they shall have the privileges and immunities of Diplomatic Agents.

Art. XI.—The office of Justice while held is incompatible with the exercise of his profession, and with the holding of public office. The same incompatibility applies to the substitute Justices so long as they may actually perform their duties.

Art. XII.—At its first annual session the Court shall elect from among its own members a President and Vice-President; it shall organize the personnel of its office by designating a Clerk, a Treasurer, and such other subordinate employees as it may deem necessary, and it shall draw up the estimate of its expenses.

Art. XIII.—The Central American Court of Justice represents the national conscience of Central America, wherefore the Justices who compose the Tribunal shall not consider themselves barred from the discharge of their duties because of the interest which the Republics, to which they owe their appointment, may have in any case or question. With regard to allegations of personal interest, the rules of procedure which the Court may fix shall make proper provision.

Art. XIV.—When differences or questions subject to the jurisdiction of the Tribunal arise, the interested party shall present a complaint which shall comprise all the points of fact and law relative to the matter, and all pertinent evidence. The Tribunal shall communicate without loss of time a copy of the complaint to the Governments or individuals interested, and shall invite them to furnish their allegations and evidence within the term that it may designate to them, which, in no case, shall exceed sixty days counted from the date of notice of the complaint.

Art. XV.—If the term designated shall have expired without answer having been made to the complaint, the Court shall require the defendant or defendants to do so within a further term not to exceed twenty days, after the expiration of which and in view of the evidence presented and of such evidence as it may *ex officio* have seen fit to obtain, the Tribunal shall render its decision in the case, which decision shall be final.

Art. XVI.—If the Government, Governments or individuals sued shall have appeared in time before the Court, presenting their allegations and evidence, the Court shall decide the matter within thirty days following, without further process or proceedings; but if a new term for the presentation of evidence be solicited, the Court shall decide whether or not there is occasion to grant it; and, if this is granted, it shall fix therefor a reasonable time. Upon the expiration of such term, the Court shall pronounce its final judgment within thirty days.

Art. XVII.—Each one of the Governments or individuals directly concerned in the questions to be considered by the Court has the right to be represented before it by a trustworthy person or persons, who shall present evidence, formulate arguments, and shall, within the terms fixed by this Convention and by the rules of the Court of Justice, do everything that in their judgment shall be beneficial to the defense of the rights they represent.

Art. XVIII.—From the moment in which any suit is instituted against any one or more governments up to that in which a final decision has been pronounced, the Court may at the solicitation of any one of the parties fix the situation in which the contending parties must remain, to the end that the difficulty shall not be aggravated and that things shall be conserved in *status quo* pending a final decision.

Art. XIX.—For all the effects of this Convention, the Central American Court of Justice may address itself to the Governments or tribunals of justice of the contracting States, through the medium of the Ministry of Foreign Relations or the office of the Clerk of the Supreme Court of Justice of the respective country, according to the nature of the requisite proceeding, in order to have the measures that it may dictate within the scope of its jurisdiction carried out.

Art. XX.—It may also appoint special commissioners to carry out the formalities above referred to, when it deems it expedient for their better fulfilment. In such case, it shall ask of the Government where the proceeding is to be had, its co-operation and assistance, in order that the Commissioner may fulfill his mission. The contracting Governments formally bind themselves to obey and to enforce the orders of the Court, furnishing all the assistance that may be necessary for their best and most expeditious fulfilment.

Art. XXI.—In deciding points of fact that may be raised before it, the Central American Court of Justice shall be governed by its free judgment, and, with respect to points of law, by the principles of international law. The final judgment shall cover each one of the points in litigation.

Art. XXII.—The Court is competent to determine its jurisdiction, interpreting the Treaties and Conventions germane to the matter in dispute, and applying the principles of international law.

Art. XXIII.—Every final or interlocutory decision shall be rendered with the concurrence of at least three of the Justices of the Court. In case of disagreement, one of the substitute Justices shall be chosen by lot, and if still a majority of three be not thus obtained other Justices shall be successively chosen by lot until three uniform votes shall have been obtained.

Art. XXIV.—The decisions must be in writing and shall contain a statement of the reasons upon which they are based. They must be signed by all the Justices of the Court and countersigned by the Clerk. Once they have been notified they can not be altered on any account; but, at the request of any of the parties, the Tribunal may declare the interpretation which must be given to its judgments.

Art. XXV.—The judgments of the Court shall be communicated to the five Governments of the contracting Republics. The interested parties solemnly bind themselves to submit to said judgments, and all agree to lend all moral support that may be necessary in order that they may be properly fulfilled, thereby constituting a real and positive guaranty of respect for this Convention and for the Central American Court of Justice.

Art. XXVI.—The Court is empowered to make its rules, to formulate the rules of procedure which may be necessary, and to determine the forms and terms not prescribed in the present Convention. All the decisions which may be rendered in this respect shall be communicated immediately to the High Contracting Parties.

Art. XXVII.—The High Contracting Parties solemnly declare that on no ground nor in any case will they consider the present Convention as void; and that, therefore, they will consider it as being always in force during the term of ten years counted from the last ratification. In the event of the change or alteration of the political status of one or more of the Contracting Republics, the functions of the Central American Court of Justice created by this Convention shall be suspended *ipso facto;* and a conference to adjust the constitution of said Court to the new order of things shall be forthwith convoked by the respective Governments; in case they do not unanimously agree the present Convention shall be considered as rescinded.

Art. XXVIII.—The exchange of ratifications of the present Convention shall be made in accordance with Article XXI of the General Treaty of Peace and Amity concluded on this date.

Provisional Article.—As recommended by the five Delegations an Article is annexed which contains an amplification of the jurisdiction of the Central American Court of Justice, in order that the Legislatures may, if they see fit, include it in this Convention upon ratifying it.

Annexed Article.—The Central American Court of Justice shall also have jurisdiction over the conflicts which may arise between the Legislative, Executive and Judicial Powers, and when as a matter of fact the

judicial decisions and resolutions of the National Congress are not respected.

Signed at the city of Washington on the twentieth day of December, one thousand nine hundred and seven.

Luis Anderson
J. B. Calvo
Antonio Batres Jáuregui
Luis Toledo Herrarte
Víctor Sánchez O.
Policarpo Bonilla
Angel Ugarte
E. Constantino Fiallos
José Madriz
Luis F. Corea
Salvador Gallegos
Salvador Rodríguez G.
F. Mejía

b. Matters before the Central American Court of Justice.

Regulations of the Court, December 2, 1911, *Anales de la Corte de Justicia Centroamericana*, I, 339–353; *American Journal of International Law, Supplement*, VIII, 179–194.

Ordinance of Procedure, November 6, 1912, *Anales de la Corte de Justicia Centroamericana*, II, 193–210; *cf.* project of same, *ibid.*, 525, 52–54; *American Journal of International Law, Supplement*, VIII, 194–213.

1. The Government of Honduras *vs.* the Governments of Guatemala and Salvador, 1908.

Alleged encouragement of revolutionary outbreak; Art. XVII of general treaty of peace and amity of December 20, 1907.

Interlocutory decree fixing *status quo*, July 13, 1908; modified by additional decrees of July 17, July 25, August 1 and October 3, 1908.

Decision rendered, December 19, 1908; unfavorable to plaintiff.

References: *Memoria de . . . Relaciones exteriores de Costa Rica . . .* 1909, vii–xi and 9–10; *American Journal of International Law*, II, 835–841, and III, 434–436; *Nouveau recueil général de traités*, IIIe série, V, 325–352; *Anales de la Corte de Justicia Centroamericana*, II, 88–89, and III, 7–8; *Comunicaciones cruzadas entre la Corte Suprema de Justicia Centroamericana y el Gobierno del Salvador con motivo del reciente conflicto hondureño* (San Salvador, 1908).

2. Pedro Andrés Fornos-Díaz *vs.* the Government of Guatemala, 1909.

Suit by Nicaraguan for alleged damages to person and property.

Decision rendered, ; declared inadmissible.

References: *Anales de la Corte de Justicia Centroamericana*, II, 89, and III, 9.

3. Revolution in Nicaragua, April 27–July 27, 1910. (Extra-jurisdictional.)

Tender of good offices to José Madriz and Juan José Estrada, leaders of opposing parties.

References: *Anales de la Corte de Justicia Centroamericana*, I, 146–164; and II, 129–150; *Foreign Relations of the United States*, 1910, 744–755.

4. Salvador Cerda *vs.* the Government of Costa Rica, 1911.

Habeas corpus suit appealed from Supreme Court of Costa Rica by a Nicaraguan; Article VI of general treaty of peace and amity of December 20, 1907.

Decision rendered, October 14, 1911; plea denied.

Reference: *Anales de la Corte de Justicia Centroamericana*, I, 199–214, 357–360.

5. Mediation between Nicaraguan factionists, August 5–September 3, 1912. (Extra-jurisdictional.)

Three judges of the court and its clerk appointed as a peace commission to visit Nicaragua, consult contestants and offer mediation; proposition for truce and peace conference rejected by President Díaz because an armistice "would surely not be respected by the revolution."

Reference: *Anales de la Corte de Justicia Centroamericana*, II, 129–150, 183–192.

6. Felipe Molina Larios *vs.* the Government of Honduras, 1913.

Seizure of papers and expulsion of Nicaraguan from country; Art. VI of general treaty of peace and amity of December 20, 1907.

Decision rendered, December 12, 1913; court lacked jurisdiction.

Reference: *Anales de la Corte de Justicia Centroamericana*, III, 26–66.

7. Alejandro Bermúdez y Núñez *vs.* the Government of Costa Rica, 1914.

Expulsion from country of Nicaraguan resident in Panamá; alleged violation of international law, and of national law of July 18, 1894; Arts. VI and XVII of general treaty of peace and amity of December 20, 1907; claim of right to return with exercise of civil rights; claim for damages.

Decision rendered, April 7, 1914; plea declared "without ground in all its parts."

Reference: *Anales de la Corte de Justicia Centroamericana*, IV, 1–119.

8. The Government of Costa Rica *vs.* the Government of Nicaragua, 1916.

Alleged violation of Cañas-Jerez treaty of April 15, 1858, between Costa Rica and Nicaragua; alleged violation of arbitral award of President Cleveland of March 22, 1888; free navigation of San Juan River; accessory riverain rights; maritime mercantile rights in territory stipulated to be leased to United States; Art. II of treaty of August 5, 1914, between United States and Nicaragua; allegation of nullity as respects Nicaragua; petition for interlocutory decree.

Interlocutory decree fixing *status quo*, May 1, 1916.

Decision rendered, September 30, 1916; favorable to Costa Rica.

References: *Memoria de . . . de Relaciones exteriores de Costa Rica*, 1915, viii–ix, 58–137; Before the Central American Court of Justice, *The Republic of Costa Rica against the Republic of Nicaragua.* Complaint of the Republic of Costa Rica growing out of a convention entered into by the Republic of Nicaragua with the Republic of the United States of America for the sale of the San Juan River and other matters. With appendices. Translation; *Decision and Opinion of the Court on the Complaint of the Republic of Costa Rica against the Republic of Nicaragua . . .* Translation published by the Costa Rican Legation, Washington; same, *American Journal of International Law*, XI, 181–229.

9. The Government of Salvador *vs.* Nicaragua, 1916.

Contest of right to lease territory in Gulf of Fonseca; Art V of convention of August 5, 1914, between the United States and Nicaragua.

Decision rendered, March, 1917; favorable to Salvador.

Reference: Libro rosado de El Salvador. *Demanda del Gobierno de El Salvador contra el Gobierno de Nicaragua ante la Corte de Justicia Centroamericana.*

APPENDIX III.

Projects of Union, 1838 to 1902.

George Williamson, United States minister to Central America in the 70's, recorded that the chief obstacles to union of the five countries were nine in number: The memory of sanguinary struggles, the debt of the 1838 federation, local prejudices, refusal to allow the other countries to take the lead, lack of homogeneity in population, absence of strong men, the difficulty of intercommunication, and the traditional Costa Rican policy of isolation.[1] During the period from 1838 to 1902 these obstacles became evident and then began to disappear.

On April 17 and July 17, 1842, the agreement and pact of the Diet of Chinandega were signed, the former providing a program of things desired and the latter establishing the constitution of a Central American Confederation,[2] on the basis of the federation of 1824. The effort was not completely Central American, Guatemala being opposed and Costa Rica holding aloof.

Substantially the same performance was repeated in 1848 by the Diet of Nacaome.

A third effort of Honduras, Nicaragua and Salvador began with a national congress which opened at Tegucigalpa on October 9, 1852, as a result of which they again combined, and stayed together for 10 years. In February, 1863, however, Salvador and Guatemala got into war. Honduras sided with Salvador, and Nicaragua joined Guatemala; which brought another federation to an untimely end.

A project for a complete Central American diet had been presented to the president of Costa Rica by Francisco María Iglesias on November 25, 1862, following a conference and agreement between certain Central American political leaders.[3] Costa Rica had been the most difficult state

[1] *Foreign Relations of the United States*, 1874, 172–174.

[2] The texts of these documents are reprinted in *Centro-América*, II, 205–213, and in Lorenzo Montúfar, *Reseña histórica de Centro-América*, IV, 266–282.

[3] Text in *Centro-América*, II, 188.

to bring into schemes of union,[1] and in fact she required the stabilizing effect of federation least. But as Central America was incomplete without her, the next move, which included her, seemed to be a step in advance. On February 17, 1872, Costa Rica, Guatemala, Honduras and Salvador signed at La Unión, Salvador, a Pact of Central American Union.[2] Nicaragua this time was staying out. She had a dispute with Costa Rica over the interoceanic canal route. At Managua on August 26, 1873, Nicaragua signed with Guatemala and Salvador a treaty in which they, "being convinced that the present administration of Costa Rica is hostile to the peace of the Central American states, pledge themselves to maintain a defensive alliance against that government."[3]

General Justo Rufino Barrios came to power as president of Guatemala in 1873. On January 15, 1876, at his invitation, a conference of plenipotentiaries of the five states met at Guatemala City for the purpose of re-organizing the old federation of 1824, and on February 28 signed a "treaty of peace preparatory to union."[4] Barrios reverted to the scheme

[1] Costa Rica's "traditional policy seems to be that of isolation, to as great an extent as consistent with the preservation of good relations." (Minister George Williamson to Secretary of State Hamilton Fish, June 24, 1874, *Foreign Relations of the United States*, 1874, 174.) Costa Rica's entry into new schemes of co-operation may be considered as the result of mature conviction. The report of the Costa Rican committee to Congress recommending favorable action on the Washington treaties referred to the new spirit in these words: "The frequent argument that our policy toward [Central American states] . . . must be one of abstention and isolation is an argument sustained by an egoism inconsistent with the irresistible pacificatory, commercial and altruistic currents which dominate the world. To-day the formula of our conduct is that expressed by one of our prominent public men in summarizing our relations with the other countries of Central America: 'For peace with all; for revolution with none.'" (*El Foro*, III, 357.)

[2] *Foreign Relations of the United States*, 1872, 520–523; *Nouveau recueil général de traités*, 2e série, III, 476–483; *Tratados internacionalos celebrados por . . . Costa Rica*, II, 11–21.

[3] *Foreign Relations of the United States*, 1874, 112. By November 21, the treaty had been ratified by Guatemala, Salvador and Nicaragua and "without doubt will also be ratified by the new government that is proposed to be organized in Honduras." (Minister George Williamson to Secretary of State Fish, *ibid.*, 111.)

[4] *Tratados internacionalos celebrados por . . . Costa Rica*, II, 23–29. This effort seems to be not unconnected with encouragement by the United States and willingness of Costa Rica. Minister George Williamson wrote on September 14, 1873, to Secretary of State Fish: "It is my purpose . . . to touch upon, as adroitly as I can, the advantages that would result to Central America from a union of all the states under one government. . . . The universally professed sentiment is in favor of the union, except among the office-holders." He worked with that object from 1873 to 1879. The president of Costa Rica in 1874 favored and worked for such a conference. (*Foreign Relations of the United States*, 1874, 125–135.)

again in 1883 when he was in the full bloom of a dictator's power. He called a congress of the five states to meet at San Salvador in March, 1884, but Costa Rica, evidently suspecting Barrios of a thirst for power beyond the borders of Guatemala, declined to attend, and the scheme fell through. In his next move Barrios gave evidence of ambition. In September he entertained the presidents of Honduras and Salvador and a representative of the president of Nicaragua, concluding from the interview that they were won to federation. He accordingly had the legislative assembly of Guatemala pass a resolution and in accordance therewith on February 28, 1885, issued a decree declaring the five states of Central America united into one federal republic.[1] This move did not succeed. Barrios attempted to make it successful by armed force. Costa Rica, Nicaragua and Salvador formed a league with Honduras,[2] invaded Guatemala and Barrios was killed in battle at Chalchuapa on April 2.[3] The next day the Guatemalan assembly revoked the decree of February 28.

Having rejected the idea of combining under pressure, Central America lost little time in taking another tack. In Guatemala City on February 16, 1887, all five countries signed a treaty of peace and friendship. Many provisions designed to weld the whole of Central America into one were incorporated in the document, but the most promising were those of Arts. 1, 26 and 27. By Art. 1, all disputes were to be arbitrated by Argentina, Belgium, Chile, Germany, France, Great Britain, Spain, Switzerland or the United States. By Art. 26, a congress was to meet every two years, the first at San José on September 15, 1888; and by Art. 27, the 1890 congress was to form a union.[4] A treaty reforming this and other conventions of February 16, 1887, was signed at San José, November 24, 1888. By

[1] The decree was governmental. A proclamation of even date accompanying it designated Barrios as "supreme military chief of the Central American Union." For texts see *Foreign Relations of the United States*, 1885, 75–81; for revocation of decree, see *ibid.*, 103; *British and Foreign State Papers*, 77, 446, 462.

[2] Treaty of peace and defensive alliance, signed at Namasigue, April 11, 1885, (*British and Foreign State Papers*, 77, 463–464); see also treaty of Santa Ana of March 22, 1885. (*Tratados internacionales celebrados por . . . Costa Rica*, II, 375–378.)

[3] A treaty of peace between Guatemala, Honduras and Salvador was signed on September 12, 1885. (*Nouveau recueil général de traités*, 2e série, XIV, 268.)

[4] The text is printed in *Foreign Relations of the United States*, 1887, 101–107. The Iglesias project of 1862 was one of the bases of study. American Minister Henry C. Hall reported in September, 1888, that Costa Rica, Guatemala and Honduras had ratified the treaty unconditionally, and Salvador with amendments. Nicaragua had appointed a delegation to the congress at San José without ratifying the treaty. (*Foreign Relations*, 1888, 165.)

its first article the arbiter state in case of a dispute was to be chosen by lot from the list above until a satisfactory one was drawn.[1]

The program seems to have run ahead of schedule. At San Salvador on October 15, 1889, without waiting for the proposed congress of 1890, the five states drew up a Provisional Pact of Union for what was to be the Republic of Central America.[2] No tangible results seem to have come from that effort, and revolutionary conditions in the following year prevented the convoking of the congress to form a union in 1890.[3] On November 16, 1891, at Managua, however, Costa Rica and Nicaragua signed a treaty for the foundation of an arbitral "diet," which was to become Central American if the other states would join.[4] Its provisions clearly foreshadowed the Central American court.

Profiting by the unsuccessful treaty of 1887, the plenipotentiaries of all the states except Costa Rica, at San Salvador on May 23, 1892, signed a treaty of peace and arbitration which provided for a Central American Diet to hold its first session on January 1, 1893. This diet was to be a mediatory and arbitrating body and was to draw up treaties between the states respecting most of the matters actually made the subject of treaties between 1907 and 1914. One of its provisions—about the only one that lived—stipulated that, in case "any of these republics" should cause a "*de facto* rupture, the neutral republics . . . shall constitute themselves into a defensive alliance with the state offended or invaded."[5] That practice was followed on some later occasions.

Three years passed and on June 20, 1895,[6] at Amapala, Honduras, the Greater Republic of Central America was formed by Honduras, Nicaragua and Salvador. The Republic of Central America was to follow this when "Guatemala and Costa Rica shall voluntarily accept the present

[1] *Tratados internacionalos celebrados por . . . Costa Rica*, II, 31–40; the other treaties are *ibid.*, 41–71. The 1888 treaty was recommended for ratification on December 4, 1888, by the Costa Rican executive.

[2] The text is printed in *Centro-América*, I, 573–577, and in *Nouveau recueil général de traités*, 2e série, XVIII, 457.

[3] Carlos Ezeta started a revolution in Salvador, assuming the provisional presidency and eventually becoming constitutional president. Costa Rica, Guatemala and Nicaragua decided to continue under the pact of 1889, but the disturbance was fatal to its fuller realization. (*Foreign Relations of the United States*, 1908, 28, 37.)

[4] *Tratados internacionalos celebrados por . . . Costa Rica*, II, 119–123.

[5] *Foreign Relations of the United States*, 1894, 437–438.

[6] Text in *Centro-América*, II, 288–290; *Foreign Relations of the United States*, 1896, 390–2; *Nouveau recueil général de traités*, 2e série, XXXII, 276–278; *British and Foreign State Papers*, 92, 227. Ratifications were exchanged on September 15, 1896. (Moore, *Digest of International Law*, I, 145.)

agreement." This occurred two years later when an agreement signed at Guatemala City on June 15, 1897,[1] established a complete federation.

There was pacifying work to be done, however, before a constitution could be drawn up. A difference existed between Costa Rica and Nicaragua, which was settled on the high seas off Cape Blanco by the aid of United States Minister William Lawrence Merry and the United States man of war *Alert*, under the friendly mediation of Guatemala. Aboard the *Alert* the disputants decided in a treaty of peace signed on April 26, 1898, to refer their mutual claims "to the civilized and enlightened medium of arbitration" by three Central Americans.[2]

Next followed a constitutional congress of all five, which, convening at Managua in June, on August 27, 1898, produced a constitution for the United States of Central America.[3] A provisional executive council of three persons took the helm of the newly-united states on November 1. Elections for a president were fixed for December, but on November 13 Tómas Regalado started a revolution in Salvador in opposition to the union. He was successful in ousting the president, and, Nicaragua refusing to aid Honduras in obliging Salvador's adherence to the new constitution, the provisional executive council at Amapala on November 29 saw "itself under the painful necessity of declaring the Republic of the United States of Central America dissolved."[4]

[1] *Nouveau recueil général de traités*, 2e série, XXXII, 279–284; *Centro-América*, II, 105.

[2] *Nouveau recueil général de traités*, 2e série, XXXII, 84–86.

[3] Text in *Centro-América*, II, 291–305.

[4] See correspondence in *Foreign Relations of the United States*, 1898, 172–177; *British and Foreign State Papers*, 92, 242; *Nouveau recueil général de traités*, 2e série, XXXII, 284–292.

APPENDIX IV.

The Nicaraguan Canal Route Controversies.

To the outside world Central America has meant a potential route for an interoceanic canal. Though a canal is now in operation at Panama, the early plans usually placed the route across Lake Nicaragua. The Nicaraguan route was a minor diplomatic problem for many years, and for a long period European states were maneuvering to dominate it without coming into direct conflict with the Monroe doctrine. With one exception their efforts were not based on territorial rights but depended for success on acquisition of territory. The exception was Great Britain, which had established protectorate relations with the Mosquito tribe of Indians inhabiting much of the Caribbean coast of Nicaragua.

In the 1840's the United States began actively to acquire a future canal route. A treaty between the United States and Nicaragua was signed June 21, 1849, by which either the United States or an American company was to have the exclusive privilege of building a canal. On receipt of the text of this treaty, Secretary of State John M. Clayton called to the British minister's attention the facts that it was unratified and that "great caution would be required on both sides in order to prevent the United States and Great Britain from being brought into collision on account of the Mosquito question."[1] The bargain that resulted was the Clayton-Bulwer treaty of April 19, 1850, between the United States and Great Britain, in which they mutually declared "that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal;" and that neither will ever "occupy, or fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America."

This treaty was superseded by the Hay-Pauncefote treaty[2] of November 18, 1901, which covers any canal route in Central America and which pro-

[1] Moore, *Digest of International Law, III, 134.*

[2] A treaty to the same end was signed by the same negotiators on February 5, 1900, but was amended by the Senate and was not ratified. The treaty of 1901 was negotiated to meet the Senate's objections and undoubtedly any engagements toward third parties to the former should therefore apply also to the latter.

vides that the "canal may be constructed under the auspices of the Government of the United States." The British protectorate over the Mosquito coast being no longer useful for trading purposes, Great Britain signed with Nicaragua on April 19, 1905, a treaty which recognized absolute Nicaraguan sovereignty over the Mosquito territory.[1] Thus for only ten years has the United States been in a position to deal alone with Central America respecting interoceanic canal routes.

However, there was still an open market for the Nicaraguan route, as can be seen from a quotation of Nicaraguan instructions to the Minister at Paris, dated April 29, 1908:

Supposing, as is most likely, that in the end the Panama Canal will be the only canal, yet we have to take into account that the United States fears, and rightly, that another or other powers may render null and void a great part of their tremendous labor. And in this sense it is indubitable that Colombia or Nicaragua may obtain no inconsiderable political advantage from the insecure or be it false position in which the United States finds itself.

Now, through the instrumentality of a certain English consul to this country who may be well informed in the premises we have learned that Great Britain and Japan have lately concerted the idea of the canal by way of Nicaragua.

It is my wish, therefore, that you, in an absolutely personal character and with the greatest possible care and discretion, should talk with the Japanese ambassador in Paris, saying that, although you are not in possession of instructions from your Government to the effect, you would venture if the Government of Japan should send agents to Nicaragua the overtures which they might make in connection with this important matter would be very well received. All this without putting on paper a single word of your conversations.

You are not to forget that this matter is of the utmost confidence, for as you will plainly understand that if the United States were prematurely to get wind of our proceedings, whatever we might do in the matter would cost us dear.

If success is ours we shall procure at the very least most enviable political advantages, above all greater consideration and respect from the United States, and it may be an enviable position in respect to Central America.[2]

The Government of the United States naturally did not intend to be the innocent bystander in such a game of blackmail, and when the Zelaya régime, which plotted it, had the bad judgment to execute Cannon and Groce the next year Washington saw Zelaya step down under revolutionary pressure with very little regret. The succeeding Madriz régime was short-lived, but the Estrada-Díaz government that followed was dis-

[1] Text in *British and Foreign State Papers*, 98, 69, and in *Foreign Relations of the United States*, 1905, 702.

[2] George T. Weitzel, *American Policy in Nicaragua*, 9–10. (Sen. Doc. No. 334, 64th Cong. 1st Session.)

posed to do things on a business basis. Negotiations were begun and on February 8, 1913, a treaty was signed by which the United States was to have a perpetual and exclusive option on the Nicaraguan canal route, was to lease Great and Little Corn Islands in the Caribbean and secure a naval station in the Gulf of Fonseca on the Pacific side, all in consideration of the payment of $3,000,000 in trust to Nicaragua to be used for general education, public works and advancement of the country's welfare. The American administration changed on March 4, 1913, before this treaty was ratified. The succeeding administration re-signed the treaty with verbal changes on August 5, 1914, and the ratifications were exchanged on June 22, 1916.

There is also a Central American side to this story. The Clayton-Bulwer treaty included Costa Rica by name in its self-denying clause. Precisely what it meant was the San Juan River, which runs southeast from Lake Nicaragua to the Caribbean and forms throughout much of its length part of the boundary between Costa Rica and Nicaragua. Any Nicaraguan canal will probably make use of the San Juan channel. By the Cañas-Jerez treaty of April 15, 1858, between the two states it is stipulated:

Art. 6. The Republic of Nicaragua shall have exclusively dominion and full sovereignty over the waters of the San Juan River, from its sources in the lake to its mouth in the Atlantic; but the Republic of Costa Rica shall have in said waters perpetual rights of free navigation, from the mouth as described to within three English miles from Castillo Viejo [where the river ceases to be the boundary], for purposes of commerce, either with Nicaragua or to the interior of Costa Rica. . . .

Art. 8. If the contracts of canalization or of transit celebrated previously to this convention coming to the knowledge of Nicaragua should, for whatever cause, become null and void, Nicaragua promises to conclude no other on the said subjects without previously learning the opinion of the Government of Costa Rica on the inconveniences which the matter might have for the two countries, provided that this opinion is given within 30 days after knowledge thereof is received, in case Nicaragua declares the decision to be urgent; and if the natural rights of Costa Rica in the affair are not injured, this opinion shall be advisory.

Twenty-five years later the two countries had a dispute about the meaning of the treaty, President Grover Cleveland of the United States being eventually chosen as arbitrator. He rendered his award on March 22, 1888, deciding in part:

First. The above-mentioned treaty of limits, signed on the 15th day of April, 1858, is valid. . . .

Third. With respect to the points of doubtful interpretation communicated as aforesaid by the Republic of Nicaragua, I decide as follows: . . .

10. The Republic of Nicaragua remains bound not to make any grants for canal purposes across her territory without first asking the opinion of the Republic of Costa Rica, as provided in Article VIII of the treaty of limits of the 15th day of April, 1858. The natural rights of the Republic of Costa Rica alluded to in the said stipulation are the rights which, in view of the boundaries fixed by the said treaty of limits, she possesses in the soil thereby recognized as belonging exclusively to her; . . . the rights which she possesses in so much of the River San Juan as lies more than three English miles below Castillo Viejo, measuring from the exterior fortifications of the said castle as the same existed in the year 1858; and perhaps other rights not here particularly specified. These rights are to be deemed injured in any case where the territory belonging to the Republic of Costa Rica is occupied or flooded; . . . or where there is such an obstruction or deviation of the River San Juan as to destroy or seriously impair the navigation of the said river or any of its branches at any point where Costa Rica is entitled to navigate the same.

11. The treaty of limits of the 15th day of April, 1858, does not give to the Republic of Costa Rica the right to be a party to grants which Nicaragua may make for interoceanic canals; though in cases where the construction of the canal will involve an injury to the natural rights of Costa Rica, her opinion or advice, as mentioned in Article VIII of the treaty, should be more than "advisory" or "consultative." It would seem in such cases that her consent is necessary, and that she may thereupon demand compensation for the concession she is asked to make; but she is not entitled as a right to share in the profits that the Republic of Nicaragua may reserve for herself as a compensation for such favors and privileges as she, in her turn, may concede.

On March 24, 1916, the Government of Costa Rica filed with the Central American Court of Justice a formal complaint against the Government of Nicaragua on account of its having concluded the treaty of August 5, 1914, with the United States. Costa Rica alleged: (1) that the American-Nicaraguan treaty violates the rights of Costa Rica, acquired by the Cañas-Jerez treaty, the Cleveland award and the Central American treaty of peace and friendship of 1907; (2) that the violation rendered null the American-Nicaraguan treaty, "especially because both contracting parties knew in signing it of the incapacity of Nicaragua"; and (3) that therefore the said treaty is null and ineffective as respects Costa Rica.

The plaintiff also asked the Court to issue an interlocutory decree establishing, as respected Costa Rica, the *status quo* existing before the treaty, and to notify the United States and Nicaragua of this action and of the bringing of the suit. The Court on May 1, 1916, passed a resolution on the interlocutory petition in the "considerations" of which the jurisdic-

tion of the Court over the controversy was asserted. The resolution provided:

That the complaint presented by the Government of Costa Rica be admitted; that the Licentiate Luis Castro Ureña be recognized as the representative of the Complainant Government; that the Defendant Government be notified and called upon to answer the complaint within sixty days from the date on which notice of the complaint shall have been received by His Excellency the Minister of Foreign Relations of the Republic of Nicaragua, to whom, also, shall be sent, through the medium of a note, copies of the petition of the complaint, of the evidence presented and of this decision; and that the following precautionary measure (*medida precautoria*) be decreed: The Governments of Costa Rica and Nicaragua are under the obligation to maintain the *status quo* that existed between them prior to the Treaty that gave rise to the present controversy. [1]

The United States did not become a party to the case but had previously developed its attitude in diplomatic notes. Nicaragua, of course, was defendant when the Court accepted jurisdiction, though no counsel appeared before the Court on her behalf.

From the antecedent exchanges of notes the lines of the defense are apparent. Separate protocols had been signed by the United States with both Costa Rica and Nicaragua on December 1, 1900, by which it was agreed "that when the President of the United States is authorized by law to acquire control of such portion of the territory now belonging to Costa Rica as may be desirable and necessary on which to construct and protect a canal . . . , they mutually agree to enter into negotiations with each other to settle the plan and the agreements in detail." [2] It was further agreed that both should adhere to the Hay-Pauncefote treaty of February 5, 1900. The United States held that the treaty with Nicaragua of August 5, 1914, was preliminary to carrying this agreement into effect, and "since the Government of the United States has manifested its desire to enter into negotiations for the conclusion of a treaty of similar character" with Costa Rica, the secretary of state did not see how the Nicaraguan treaty could affect any existing right of Costa Rica. [3] To make sure, the Senate in consenting to ratification of the treaty of August 5, 1914, added a declaration to it which was ratified by both the United States and Nicaragua. The declaration reads:

[1] *Complaint*, as issued in translation through the Legation of Costa Rica at Washington, page 40.

[2] *Treaties in Force* (1904), 220 and 591; *Treaties, Conventions*, etc. (1909) 351 and 1290.

[3] Secretary of State Lansing to Minister Manuel Castro Quesada, March 1, 1916.

Whereas, Costa Rica, Salvador and Honduras[1] have protested against the ratification of the said Convention in the fear or belief that said Convention might in some respect impair existing rights of said States; therefore, it is declared by the Senate that in advising and consenting to the ratification of the said Convention as amended such advice and consent are given with the understanding, to be expressed as a part of the instrument of ratification, that nothing in said Convention is intended to affect any existing right of any of the said named States.

Nicaragua in diplomatic replies to Costa Rica refused to admit that the extent of Costa Rica's negotiations or Nicaragua's attitude in response indicated the exhaustion of diplomatic resources, and consequently claimed that appealing to the Court was premature. She cited the fact of complete sovereignty as a principal condition of the legitimacy of the 1914 treaty, which, it was argued, specifically acknowledged the exclusive authority of Nicaragua over the territory. She argued that the Cleveland award was not subject to revision, and in any case not to the revision of the Central American Court, which had no jurisdiction over "events occurring prior to its existence." Further, Nicaragua held that Costa Rica had no right under either the treaty or the award to be a party to the concession, but only to put in a claim "if the construction of the canal should involve damage to her natural rights." And finally Nicaragua declared that the Costa Rican claim was without basis because the treaty with the United States transferred no territory and granted no canal route, but simply "grants in perpetuity to the Government of the United States the exclusive proprietary rights for the construction, operation and maintenance of a canal, . . . the details of the terms . . . to be agreed to by the two governments whenever the Government of the United States shall notify the Government of Nicaragua of its desire or intention to construct such canal."[2]

Nicaragua was not represented by counsel before the Court, and permitted the 60-day period stipulated in the interlocutory decree of May 1 to elapse without a diplomatic reply. On August 16, 1916, therefore, the Court extended the period by 20 days, under the provisions of Art. XV of the organic convention. On August 25 the Court received a diplomatic reply, dated August 1, from Nicaragua. This contained the following contentions:

1. That absolutely nothing in the American-Nicaraguan convention refers to a sale of the San Juan River, an exclusive option for the conclusion of a treaty for that purpose being only stipulated;

[1] Honduras has not as a matter of fact made any protest.

[2] The Nicaraguan arguments are analyzed here from *Memoria de la Secretaría de Relaciones exteriores* (*de Costa Rica*), 1915, 72–75, 113–116.

2. That only after the matter should have been studied in order to select a canal route could Nicaragua proceed to enter into a canal treaty or contract,—the implication being that only then would Costa Rica rightfully be entitled to be consulted;

3. That the complaint was technically erroneous in so far as it was based on the unconsummated treaty of February 8, 1913, between the United States and Nicaragua, and that respecting the subsequent treaty of August 5, 1914, Costa Rica had not exhausted diplomatic efforts, as provided by Art. I of the convention establishing the Court;

4. That any decision of the Court would be null and void for want of jurisdiction. Nicaragua's government had acted in exercise of full sovereignty when negotiating and approving the treaty, and, while violation or damage claims might be cognizable by the Court, it could not legally nullify sovereign rights, especially those in which a third party participated.

The Nicaraguan Government therefore believed and declared that "it is under no obligation to reply to the complaint of the Costa Rican Government because it cannot admit, even conditionally, the competence of the Court to take cognizance of, and to decide, that complaint; . . . and, in the event of a decision adverse to her, Nicaragua declares that she will be unable to abide by it."

The Court's decision was delivered on September 30, 1916, with the member for Nicaragua absent. The decision, in accordance with conclusions voted on September 22, when the judge for Nicaragua was present, follows:

"First.—It is declared that the peremptory exception interposed by the High Party Defendant is denied, and that, in consequence, this Court is competent to decide the complaint brought by the Government of the Republic of Costa Rica against the Government of the Republic of Nicaragua.

"Second.—It is declared that the Government of Nicaragua has violated, to the injury of Costa Rica, the rights granted to the latter by the Cañas-Jerez Treaty of Limits of April 15, 1858, by the Cleveland award of March 22, 1888, and by the Central American Treaty of Peace and Amity of December 20, 1907; and

"Third.—That, respecting the prayer in the complaint asking that the Bryan-Chamorro treaty [of August 5, 1914,] be declared null and void, this Court can make no declaration whatsoever."

Salvador was plaintiff against Nicaragua respecting a grievance growing out of the same treaty. Salvador complains of Nicaragua's grant to the United States of a naval station in the Gulf of Fonseca, on which both of

the states front. Honduras likewise has a littoral on the gulf, amounting to nearly half of its total but not including either boundary headland. Of the three, Nicaragua's littoral on the gulf is the shortest. Physically a naval station on Nicaraguan soil would dominate the gulf, and this seems to be the real basis of objection. The body of water has a total littoral of some 100 miles, with an entrance over 19 miles wide. The American naval station will probably be placed on a Nicaraguan peninsula forming the southerly entrance to the gulf, but its site is not yet determined. By international law a body of water 19 miles wide at the entrance cannot be considered as territorial if, as in this case, more than one state owns its littoral. Among the three states, however, there seems to have been in the past some tendency toward the theory of a condominium, but a formal act of partition has for some years been in effect.[1] This is conceived as determining exclusive ownership of territorial waters, according to normal standards, and not as contemplating a claim to the right of partitioning the whole gulf.

On August 14, 1916, Salvador laid its case before the Central American Court of Justice. It alleged that provisions of the American-Nicaraguan treaty of August 5, 1914, granting the United States a naval station on the Gulf of Fonseca were "highly prejudicial to the supreme interests of the Salvadorean nation because they put its integrity and preservation in jeopardy, violate its undeniable rights of condominium in the Gulf of Fonseca and injure its most legitimate aspirations for the future in a Central American nation." The allegations of the complaint were:

1. The treaty is an official act of the Government of Nicaragua which puts in danger the national safety of Salvador. "The establishment of a naval base by a powerful state in the immediate vicinity of the Republic of Salvador would constitute a serious menace, not imaginary but evident and real, directed against the existence of its free life and autonomy."

2. The treaty fails to recognize, and violates, the rights of dominion which Salvador has in the gulf.

3. The primordial interests of Salvador as a Central American state are injured.

4. The treaty is contrary to Art. II of the general treaty of Washington.

5. It could not be validly celebrated.

6. Direct methods of approaching Nicaragua were employed without effect.

Wherefore Salvador petitioned the Court "to condemn Nicaragua to

[1] The fact is given on the authority of a conversation with the Nicaraguan *chargé d'affaires* at Washington.

abstain from fulfilment of the aforesaid treaty." Nicaragua denied the jurisdiction of the Court, but took no more active part in defending the case than in the Costa Rican complaint. The Court has not as yet handed down its decision.

Salvador's protest to the United States was dated October 21, 1913, and referred to the treaty of February 8 preceding. In reply the Department of State "was not disposed to controvert" the contention "that the Gulf of Fonseca is a territorial bay whose waters are comprehended within the jurisdiction of the jointly border states." The contention that, as in the days of the Republic of Central America, the border states were "legitimate masters and sovereigns in common" of the gulf was obviously not an accepted idea with Nicaragua, and was understood not to be accepted by Honduras. "It appears that this was formerly the point of view of Salvador, as is shown by the treaty concluded between Salvador and Honduras on April 10, 1884, by virtue of which the boundary between Salvador and Honduras was to be traced through the Gulf of Fonseca." Though this treaty did not become effective owing to Honduras failing to ratify, "the treaty seems to have supposed that previously each of the border states claimed a certain part of the gulf as its own and exercised jurisdiction solely over that part. The Department is informed that this is the state of things which exists at present." To this Salvador replied that the treaty of 1884 clearly had intended to "put an end to the 'indivision' of the Gulf of Fonseca," and consequently was in fact "one of the best proofs of the recognition by the contracting states of the joint and undivided possession of the Gulf of Fonseca."

To the contention that the naval station would "radically alter the political situation in that region," the United States demurred, adding that it "would take to heart the interests of Central America not less than its own," and "would particularly have in view the defense of local sovereignty." To this end, it was prepared to consider a concession from Salvador or Honduras, or both. To which Salvador replied that Art. 38 of her constitution prohibited the celebration or approval of a treaty diminishing "the integrity of the territory or the national sovereignty."

Salvador held that the concession would form an obstacle to the restoration of the Central American union; in reply it was contended that it "would not give to the United States any right or interest in the political affairs of Central America beyond those actually existing, and under no point of view would the United States place obstacles in the way of the political union of the Central American states" at any time.

Salvador's suggestion that a plebiscite would have been necessary was

regarded by the United States as founded on the idea of joint ownership of the gulf, and consequently as without a solid basis. In reply, Salvador repeated that the concession would necessitate a plebiscite.

Salvador protested anew on February 9, 1916, at a time when the treaty of August 5, 1914, was about to be acted upon by the Senate. This protest alleged that the American-Nicaraguan treaty affected the neutralized condition of Honduras, a naval base constituting "a menace against the neutrality of the waters dominated." The project for such a base was described as "an effort violatory in a flagrant and clear manner of the principle of the neutrality of Honduras," which Salvador claimed a right to champion because the commonalty of interests in the gulf was "sufficient to justify the rights of each [state] to oppose every act of any other country which menaces their security."

Secretary Lansing in reply recalled Art. III of the treaty of Washington neutralizing Honduras, and asserted that he failed to appreciate how the treaty with Nicaragua "could tend in any degree to make the territory of Honduras the theater of Central American conflicts, or to provoke Honduras to depart from her neutral attitude in conflicts between her neighbors." In further reply he quoted the Senate's proviso included in its resolution advising ratification of the disputed treaty.

Between Salvador and Nicaragua, there has been very little correspondence. On April 14, 1916, the minister for foreign relations of Salvador handed to the Nicaraguan minister a note which practically served to cover copies of the correspondence with the United States. Salvador's notes of October 21, 1913, February 9, 1914, and its amplification of March 13, were transmitted with the protest. The reply of Nicaragua, dated July 26, 1916, is the best state paper of the whole controversy. It carefully summarizes the arguments of Salvador and then replies to them in order, with annexes containing justificatory documents.

Nicaragua's reply presented her attitude as follows:

Nicaragua was surprised that Salvador should have been protesting to the United States without "taking into account this Republic, which was the other contracting party and in whose territory were situated the interests which were the objects of negotiations." This was the more strange because the protests were based on the Central American general treaty of 1907, to which the United States was not a party, while Nicaragua was.

Nicaragua saw with pain the effort of Salvador to "provoke difficulties with Nicaragua as to the celebration of that convention [with the United States], assuming to represent not only Honduras, which has not up to now shown in this respect any disagreement with the Government of this

Republic, but also all Central America, as if any Central American government could legally represent the political rights of the Isthmus."

Nicaragua denied that there is any common possession of the Gulf of Fonseca, "since what really occurred over a long period of time on account of [the coexistence of sovereign border countries] is that the territorial part corresponding to each of the three republics had not been separated by a formal demarkation of frontiers." Nicaragua cited as evidence of this contention the text of the unratified treaty of April 10, 1884, between Honduras and Salvador, and the effective convention of limits of October 7, 1894, between Nicaragua and Honduras. Under the latter convention a mixed commission was appointed, and in its act of February 12, 1900, it described the Honduran-Nicaraguan boundary line through the gulf to its central point, apportioning islands. Therefore "it is not a state of common ownership, but of no demarkation of the frontier line across the waters of the gulf" which exists as respects Salvador.

Nicaragua rebutted Salvador's claim that she had common rights as a "coastal (*ribereño*) state" under the acts dissolving the Central American Confederation in 1839. Nicaragua argued that "the conception of coastal states essentially includes the conception of being conterminous (*colindancia*). . . . Therefore, no true community existing between the three republics adjacent to the Gulf of Fonseca, and Salvador not being coastal as respects Nicaragua, there is no reason by which she can demand the previous accord and consent of the three in order that the demarkation of the frontier lines which separate them may be effected."

Nicaragua argued that, "when a bay or gulf belongs to three nations, each of them will enjoy [the customary] rights in the part belonging to it, but it does not follow that each of them remains prohibited, within the part of territorial waters corresponding to it, from exercising the acts necessary or convenient in the orbit of its sovereignty. If Nicaragua were a maritime power, . . . no canon of international law would prevent her establishing a naval station in the part of the Gulf of Fonseca belonging to her. . . . The sovereign right of being able to establish in the said gulf a naval station in the part adjacent to its coasts has been transferred to the United States by lease, for whatever time may be agreed upon in the Chamorro-Bryan treaty. . . . Nor is any change introduced into the present debate by the fact that the Republics of Salvador and Honduras have deep ports, while Nicaragua has not."

The possession by Honduras and Salvador of islands in the gulf was something that Nicaragua "cannot admit as giving force in any manner to the arguments of the Salvadorean chancellery."

The Nicaraguan constitution, although recognizing the positive duty of contributing to the re-establishment of the Central American nationality, does not "prohibit Nicaragua from performing acts, within the limits of its sovereignty, . . . that it may consider as positively contributing to the perfecting of its own security as a nation, and to its welfare and future development or which may tend to increase the prosperity, not only of Central America, but of all humanity."

Nicaragua would never accept the necessity of a collective consent by plebiscite because: "1, . . . as an autonomous, independent and free nation there neither is nor can be the obligation of consulting another government or nation as to what it must or may do within its own sovereignty; 2, neither in our constitution nor secondary laws is the plebiscite recognized as a necessary condition for the legal exercise of acts of sovereignty; 3, the said lease to the United States in no wise conflicts with the rights of the Republics of Honduras and Salvador."

Nicaragua contended that the lease did not "violate in any way the territory of Honduras" in the sense of Art. III of the general treaty of 1907, because, if the signatories "were obligated not to construct military forts nor to establish naval bases on the frontier of the neutral territory, they would have said so in terms, for the very reason that every special law requires strict acceptation and interpretation." The definite provision of Art. 13 of the treaty of March 30, 1856, neutralizing the Black Sea, the similar provision respecting the Baltic, and provisions in the entente cordiale of April 8, 1904, and in the Franco-German arrangements of November 4, 1911, were cited in proof of the statement.

Nicaragua denied that the "constitutional order," within the meaning of the general treaty of Washington, was altered by the lease because, in the words of Fiore, "the personality of the state must be considered integral," . . . even though "change and diminution of population and of territorial possessions modify the state's personality." Moreover, "it is evident that the signatory republics considered the phrase, 'every disposition or measure which may tend to alter the constitutional organization in any of them is to be deemed a menace to the peace of said Republics,' . . . as referring solely to dispositions or measures by some respecting others or, taken by one of them, should alter the constitutional order of the others in some degree; but in no case may it be reasonably accepted that this declaration refers to dispositions or measures altering the constitutional order in the same republic which takes it." This point of view was upheld by an extensive review of the negotiations of 1907.

The Nicaraguan secretary considered five reasons in the notes of Salva

dor as relating to "a fact foreign to the present question, the consequences which would result from a strong and powerful nation being in control of a part of the territory of a weak nation in the character of a conqueror." These were accordingly not discussed.[1]

[1] The correspondence from which this statement is summarized is: Minister Francisco Dueñas to Secretary of State Bryan, October 21, 1913; Secretary Bryan to Minister Dueñas, February 18, 1914; Minister Dueñas to Secretary Bryan, March 11, 1914, *Boletín del Ministerio de Relaciones Exteriores* (*Libro Rosado de El Salvador*), VII, Nos. I–III, 8–11; Minister Rafael Zaldívar to Secretary of State Lansing, February 9, 1916; Secretary Lansing to Minister Zaldívar, March 13, 1916, *Boletín del Ministerio*, VIII, Nos. IV–VI, 51–53.

F. Martínez Suárez, minister of foreign relations of Salvador, to the Nicaraguan minister, April 14, 1916, *Boletín del Ministerio*, VIII, No. VIII, 4–5; Diego M. Chamorro, minister of foreign relations of Nicaragua, to the Salvadorean minister, July 26, 1916, *Boletín del Ministerio*, VIII, No. VIII, 5–36.

Correspondence respecting a supposed provision in the treaty of February 8, 1913, making the principle of the Platt amendment to the Cuban constitution applicable to Nicaragua was as follows: Chargé d'Affaires Carlos A. Meza to Secretary of State Bryan, July 8, 1914; Secretary Bryan to Chargé Meza, July 16, 1914; Chargé Meza to Secretary Bryan, July 21, 1914, *Boletín del Ministerio*, VII, Nos. I–III, 11–13.

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WORLD PEACE FOUNDATION

40 Mt. Vernon Street Boston, Mass.

World Peace Foundation

Boston, Massachusetts

*FOUNDED IN 1910

BY

EDWIN GINN

The corporation is constituted for the purpose of educating the people of all nations to a full knowledge of the waste and destructiveness of war, its evil effects on present social conditions and on the well-being of future generations, and to promote international justice and the brotherhood of man; and, generally, by every practical means to promote peace and good will among all mankind.—*By-laws of the Corporation.*

It is to this patient and thorough work of education, through the school, the college, the church, the press, the pamphlet and the book, that the World Peace Foundation addresses itself.—Edwin Ginn, Foreword, *World Peace Foundation: Its Present Activities* (Pamphlet Series, Vol. I, No. 6, Part I).

The idea of force cannot at once be eradicated. It is useless to believe that the nations can be persuaded to disband their present armies and dismantle their present navies, trusting in each other or in the Hague Tribunal to settle any possible differences between them, unless, first, some substitute for the existing forces is provided and demonstrated by experience to be adequate to protect the rights, dignity, and territory of the respective nations. My own belief is that the idea which underlies the movement for the Hague Court can be developed so that the nations can be persuaded each to contribute a small percentage of their military forces at sea and on land to form an *International Guard* or *Police Force.*—Edwin Ginn, *An International School of Peace*, letter to the editor of the "Nation," September 7, 1909; also in the original draft of Mr. Ginn's will of 1908, defining the purpose of his endowment.

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* Incorporated under the laws of Massachusetts, July 12, 1910, as the International School of Peace. Name changed to World Peace Foundation, December 22, 1910.

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ANNUAL REPORT: 1916

EFFECT OF THE WAR

War inevitably brought about a change of emphasis in the educational work of the Foundation. The general work of persuading the world of the horrors of war and the blessings of peace was taken over by the war itself, and done so effectively that it was no longer necessary for the advocates of peace to go on writing, publishing and lecturing on that theme. Before long even the warring nations had officially declared that they were fighting one another for the sole purpose of securing permanent peace, and making future wars impossible. War-makers, peacemakers and neutrals all professed to want the same thing—a practical plan of international co-operation to insure peace. Under such circumstances, a great advance toward the goal of international organization and world peace seemed possible, provided, before the war ended, the right plan could be discovered, and the leaders of public opinion in the great nations could be persuaded to favor its adoption as a basis for the coming peace. The Foundation addressed itself to the twofold task of discovering and advocating such a plan.

Fortunately the program outlined by the League to Enforce Peace at Philadelphia, June 17, 1915, seemed to meet the requirements. Moreover, it was advocated by men of commanding influence, and it had the great advantage of uniting people who were divided on other issues. Accordingly, on July 12, 1915, the Board of Trustees expressed its approval of the general principles and policy adopted by the League to Enforce Peace, and instructed its representatives to support such principles and policy in the name of the Foundation.

The Foundation forthwith embarked upon an extensive educational campaign for the purpose of creating an enlightened public opinion in favor of such a League. To this end, the available energies and resources of the Foundation have been freely used. The members of the General Staff have entered into the work with enthusiasm. Members of the Board of Trustees have also been prominently identified with the movement; and their influence and devotion have

contributed to the remarkable success of the movement in this country and abroad.

In view of this action by the Foundation, it is interesting and gratifying to see how closely the principles underlying the program of the League to Enforce Peace coincide with the ideas so consistently advocated by Mr. Ginn. The close parallel of his views and those subsequently adopted by the League to Enforce Peace is seen in the following passages. The first paragraph is from Mr. Ginn's pamphlet describing the World Peace Foundation in 1911; and the second is taken from his last published statement, entitled "Organizing the Peace Work," which was printed in the World Peace Foundation Pamphlet Series in 1913, six months before his death. They do not differ essentially from other statements which appeared over his name,—one of which, from his letter to the *Nation* in 1909, is quoted on the second page of this report.

Mr. Ginn

The establishment of an *international power* would be the natural beginning of a *world congress*, and the more complete development of the *international court* would follow. Until these three branches of international organization are perfected, there will continue to be great loss of life and property, which should be devoted to the natural, peaceful development of the human race.

Why not establish an international army and navy comprised of a small proportion of the forces of each nation,—five or ten per cent., or whatever is sufficient for the purpose,—to protect each

Program of the League to Enforce Peace

We believe it to be desirable for the United States to join a league of nations binding the signatories to the following:

I. All justiciable questions arising between the signatory powers, not settled by negotiation, shall, subject to the limitation of treaties, be submitted to a Judicial Tribunal for hearing and judgment, both upon the merits and upon any issue as to its jurisdiction of the question.

II. All other questions arising between the signatories and

and every one alike and restrain the turbulent and unruly? It will cost not a dollar more than the nations themselves are now paying individually. The question of the organization and management of such a force has been raised; but similar action was successfully taken during the Boxer difficulties, and I believe that it could be worked out on a larger scale. At the present moment the nations of Europe are acting in concert to modify and check the ravages of war. Such concerted action should be extended to include all the nations of the world. *All the nations should agree together that their first duty is to preserve the rights of each and all and to secure permanent peace.* Some say that the nations will not so act, that they dare not give up the strong right arm on which they have relied so long. In the formation of this international army they are not asked to give up their own individual military protection, but simply that each shall contribute its proportion for the protection of all. This would leave the individual nations relatively as strong as before, and each could continue in force the old system until convinced that it was no longer

not settled by negotiation, shall be submitted to a council of conciliation for hearing, consideration and recommendation.

III. The signatory powers shall jointly use forthwith both their economic and military forces against any one of their number that goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be submitted as provided in the foregoing.

The following interpretation of Article Three has been authorized by the Executive Committee:

"The signatory powers shall jointly employ diplomatic and economic pressure against any one of their number that threatens war against a fellow signatory without having first submitted its dispute for international inquiry, conciliation, arbitration or judicial hearing, and awaited a conclusion, or without having in good faith offered so to submit it. They shall follow this forthwith by the joint use of their military forces against that nation if it actually goes to war, or commits acts of hostility, against another of the signatories before any question arising shall be

needed. We can point to our own Canadian frontier, which has remained unarmed for a hundred years, as an example of what can be done through trust and good will. The nations must no longer think of themselves alone, but each as a part of the great world, a necessary part, that cannot exist without contact with others. We are practically one great world force, each nation being a part of the universal body politic.

dealt with as provided in the foregoing."

IV. Conferences between the signatory powers shall be held from time to time to formulate and codify rules of international law, which, unless some signatory shall signify its dissent within a stated period, shall thereafter govern in the decisions of the Judicial Tribunal mentioned in Article One.

He firmly believed that an agreement among nations to co-operate in providing an international force to repress disorder would be the natural beginning of a world congress, and the best means of securing the more complete development of international courts of arbitration and methods of conciliation. It is a striking tribute to his foresight that he so closely anticipated the program which many statesmen in many countries now regard as the most promising plan for insuring peace and justice throughout the world.

In furtherance of these aims, the World Peace Foundation has during the year 1916 been able to co-operate in the work of the League to Enforce Peace in many ways:

1. By supplying office accommodations, and other facilities, at 40 Mt. Vernon Street, Boston, for the Massachusetts Branch of the League.
2. By supplying office accommodations, and other facilities, for Mr. John C. Burg, the District Secretary of the League for New England.
3. By contributing the services of Dr. George W. Nasmyth, who, as Secretary of the Massachusetts Branch of the League, has conducted a local educational campaign in the cities and larger towns of Massachusetts with marked success.

4. By contributing the services and traveling expenses of Dr. Charles H. Levermore to the work of organizing state branches of the League in some of the Southern States, during the spring and early summer.
5. By defraying the expenses of lectures, publications and other forms of educational propaganda, as approved by the Executive Committee, in accordance with the votes of the Board of Trustees.
6. By furnishing for general distribution a special group of pamphlets, as follows:

   The Foundations of a League of Peace. By G. Lowes Dickinson.

   A League to Enforce Peace. By A. Lawrence Lowell.

   The Outlook for International Law with letter commending the League to Enforce Peace. By Elihu Root.

   The Monroe Doctrine and the Program of the League to Enforce Peace. By George Grafton Wilson.

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In accordance with the vote of the Board of Trustees, Mr. Fred B. Foulk, A.B., of the University of Michigan, was made Executive Secretary for the Federation of International Polity Clubs, with the understanding that he should also be allowed to pursue courses in international relations at Harvard University. This arrangement was part of an agreement by which the Carnegie Endowment for International Peace was to be financially responsible for organizers and lecturers to travel among colleges and universities, and similarly responsible for the free distribution of books and pamphlets among the club members.

At the meeting of the Board of Trustees on January 8, 1916, the Committee of College Presidents, appointed to consider the work of the Foundation in colleges, made the following report:

The Committee of College Presidents to whom was referred for consideration the work of the Foundation in colleges, are of opinion that the creation of separate polity clubs for the discussion of international problems and peace among nations is in some cases detrimental to the best interests of the colleges themselves. They believe that distinct societies of students to discuss special topics in public life are already so numerous in many colleges as to interfere with the development of a vigorous organization of undergraduates for the consideration of public questions in their manifold aspects. The Committee recommend, therefore, that the Foundation do not, except with the approval of the college authorities, promote or assist new or existing special clubs in a college life already over-organized, or offer prizes for new contests in writing or speaking; but attempt to secure consideration for the prevention of war by the existing general organs designed for writing, speaking and debate.

The Committee are of opinion that the interest of students in international relations and the means of maintaining peace among nations, which in many places is now curiously torpid, might also be aroused by addresses on the part of well-qualified persons at meetings where the whole student body, or large parts of it, are gathered together.

Some members of the Committee feel that teachers in many colleges show too much aloofness from the current problems of the times, and that good may be done by leading instructors in the appropriate subjects to devote more attention in their classes to these things. But that is a delicate matter to be approached with a great deal of tact. If in some colleges, instructors are too reticent about current questions, in others they have been indiscreet or dogmatic about them, causing at times no little harm to the institution and to the principle of academic freedom. An effort to interest and inform teachers about the problems for which this Foundation exists, is part of our duty, but what they shall say to their students had best be left to their own good sense.

A. Lawrence Lowell.
William H. P. Faunce.
Joseph Swain.

An important feature of the work for 1915 among students had been a fifteen-day conference at Cornell University in June, held under the joint auspices of the World Peace Foundation, the Carnegie Endowment for International Peace and the Church Peace Union. The generous hospitality of President Charles F. Thwing made it possible to hold the 1916 conference at Western Reserve University. There was a gratifying attendance of students. The success of the conference was insured by the enthusiasm of the

students, and the distinguished character of the speakers. It is understood that the addresses delivered at the conference will appear, from time to time, in the monthly issues of the *International Polity News*, which is the organ of the federated clubs.

Subsequently, as a result of a conference between the representatives of the Carnegie Endowment and the World Peace Foundation, it was decided that the interests of this important work would be better served by abandoning the system of joint control. This improved form of administration was made possible by the generosity of the Carnegie Endowment, which, in the autumn of 1916, assumed complete responsibility, and provided for the transfer of Mr. Foulk to its staff. Under the new auspices, we may confidently expect that this department of student activities will be conducted with increasing success.

AMERICAN SCHOOL PEACE LEAGUE

During the year 1916 the World Peace Foundation has continued the co-operative arrangement of previous years, by which it defrays the expenses of certain addresses, conferences and other forms of educational activity conducted by the American School Peace League among school teachers and school children in all parts of the country. The reports of Mrs. Fannie Fern Andrews, Secretary of the League, show how manifold and far-reaching the results of this co-operation have been: and those members of the Board of Trustees of the World Peace Foundation best acquainted with the work are impressed with the extensive results obtained from relatively small expenditures.

On the other hand, the World Peace Foundation has more than once felt obliged to consider seriously the propriety of continuing its expenditures in this well-organized field, to the neglect of work imperatively needed elsewhere. The issue was sharpened by the embarrassing shrinkage in the available income of the Foundation, pending the settlement of the Ginn Estate; and the annual budget for 1916 was reported to the Board of Trustees with a recommendation for diminished expenditure in this field, or complete withdrawal. The Executive Committee, however, after careful consideration, and after conference with representatives of the American School

Peace League, finally recommended the Board of Trustees to reconsider its action, in order to avoid all risk of embarrassing the work of the School Peace League and disappointing natural expectations by any unannounced change of policy. Accordingly, the customary appropriation was voted for the current year, with formal notice that it carried no presumption in favor of renewal.

Here, as in the case of the work among student clubs, the Foundation withdraws from an educational field in which it is keenly interested, with the satisfaction of knowing that the work it has helped initiate is now in the hands of an organization admirably equipped to carry it on. There is work enough to tax to the utmost the energies and resources of all organizations; and efficiency is gained by avoiding the dangers of overlapping and divided responsibility; but it is one of the legitimate functions of such a Foundation as this to initiate and foster important activities until they have had opportunity to demonstrate their usefulness and secure independent recognition and support.

PUBLICATIONS

An important part of the educational work of the World Peace Foundation has, from the very first, consisted in publishing and distributing books and pamphlets.

I. The International Library.

As early as 1904, Mr. Ginn started publishing and distributing books relating to peace under the general title "International Library." These publications were subsequently taken over by the World Peace Foundation. The Library now comprises 30 volumes, dealing with international law, the Hague Conferences, peace classics and kindred topics. A list of these books with prices is furnished on application.

II. The Pamphlet Series.

By far the larger part of the publications of the World Peace Foundation are issued in the form of the Pamphlet Series. A complete set of these pamphlets, arranged in six annual volumes, comprises 88 titles. Of these, 46 are now on the active list; others, having served their immediate purpose, are not in sufficient demand

to warrant new editions. New pamphlets, selected or prepared by the Staff of the Foundation, and approved by the Executive Committee, are sent to the 11,000 addresses on the regular mailing list. The yearly distribution of pamphlets and leaflets is about 200,000. The number distributed in 1916 was 275,000. There is a gratifying increase in the demand for these publications by university teachers in international law and kindred subjects, who are glad to place in the hands of their students documents and other valuable material not otherwise available in convenient form. Lecturers, preachers and organizations engaged in peace propaganda often use considerable quantities of these pamphlets to supplement their work.

To facilitate ordering pamphlets, lists have been prepared, conveniently arranged by topics, with space for the name and address of applicant. Single copies of publications are furnished free of charge.

The following books and pamphlets were published during the year 1916:

In the International Library:
"The Great Solution" by Senator Henri La Fontaine of Belgium.

In the Pamphlet Series:

Title	*Volume VI*
The New Pan Americanism	February, No. 1
Introduction	
1. President Wilson's Policy toward Latin America: Circular Note of March 12, 1913	
2. "The United States and Latin America." Address by President Wilson before the Southern Commercial Congress, October 27, 1913	
3. Mexican Affairs and the A. B. C. Mediation	
4. The Pan American Union and Neutrality	
5. Pan American Treaties for the Advancement of Peace	
The New Pan Americanism. Part II	April, No. 2
6. First Pan American Financial Conference, 1915. (Opening Addresses of the President and Secretary of State.)	
7. Pan American Action regarding Mexico	
8. President Wilson's Annual Address to Congress, December 7, 1915	

9. Second Pan American Scientific Congress. (Addresses of the Secretary of State and President.)
10. Pan American Agreement proposed by United States
11. Books for Reading, Study and Reference

The Outlook for International Law With Letter Commending the League to Enforce Peace — June, No. 3
By Elihu Root

The Monroe Doctrine and the Program of the League to Enforce Peace — August, No. 4
By George Grafton Wilson

The Conciliation Plan of the League to Enforce Peace with American Treaties in Force — October, No. 5

Historical Light on the League to Enforce Peace — December, No. 6

I. International Court
II. Conciliation Council
III. Sanctions
IV. Conferences to Develop Law

THE LIBRARY

The Library includes reference books, bound sets of periodicals, and pamphlet volumes relating to the peace movement. It now contains about 2,000 volumes. Accessions during 1916 numbered 181. Some 5,000 pamphlets, magazine articles and broadsides are on file. There is also an important collection of some 35,000 clippings available for reference.

THE READING ROOM

The reading room has been discontinued and subscriptions to periodicals have been curtailed. It was not successful. The room was needed for office accommodations, when the Foundation extended its hospitality to the League to Enforce Peace.

GENERAL STAFF

General Secretary.

At the meeting of the Board of Trustees on January 8, 1916, Edward Cummings was made Chairman of the Executive Committee, and Acting General Secretary of the Foundation. This arrangement continued until the meeting of the Trustees on June 3, 1916, when he

was elected General Secretary, having first qualified for the position by resigning from the Board of Trustees.

As executive officer of the Foundation, it is the business of the General Secretary to supervise the activities of the Foundation, and give effect to the policy adopted by the Board of Trustees. With the exception of the summer months, when the pressure of office work was light, his routine duties have ordinarily kept him at the office for a substantial part of each day: attending to correspondence; conferring with members of the working staff; editing and preparing pamphlets; deciding which of the numerous, and often voluminous, manuscripts submitted to the Foundation for publication shall be sent to the Executive Committee for final approval or rejection. He also responds, so far as possible, to requests for lectures and addresses to public meetings and organizations of business men; attends occasional conferences in other cities; consults with Committees and Officers of the Board in regard to questions of administration, or crises in public affairs calling for special action on the part of the Foundation; and he endeavors to keep in touch with other organizations and specialists in the same field, with a view to securing co-operation and avoiding duplication.

At the end of June, 1916, a statement on the Mexican crisis, signed by Charles W. Eliot, Richard Olney, Henry L. Higginson, Samuel J. Elder and A. Lawrence Lowell, was forwarded by the Foundation to Government officials in Washington, to members of the National Senate and House of Representatives, and was extensively reproduced by the newspapers.

At other crises in national affairs, the General Secretary, after consulting accessible members of the Board of Trustees, has given to the press, over his own signature, brief statements bearing upon the foreign policy of the Government, with special reference to the indorsement given by the President of the United States to the plan for the formation of a league of nations to insure peace, which the Trustees of the Foundation instructed its representatives to support.

Corresponding Secretary and Librarian.

Denys P. Myers, A.B., joined the Staff of the Foundation in 1910. He was formally designated Corresponding Secretary and

Librarian by vote of the Board of Trustees, in April, 1916. During the year he has revised and improved the library catalogue, and made other changes contributing to the efficiency of the Library. He replies to about 1,500 letters per year, requesting the kind of information which can be furnished to a considerable extent by forms and printed matter. He gives regular attention to the diplomatic exchanges of the United States, France, Great Britain, Netherlands, Sweden, Germany, and to Japanese and Mexican affairs. He prepares, or aids in the preparation of, pamphlets and other printed matter for the Foundation. He has recently prepared an extensive monograph, entitled "Notes on the Conduct of Foreign Relations," which has been published at The Hague and also in the United States.

The Librarian regularly supplies the Trustees with lists of books added to the Library. From time to time he sends books and other printed matter to the Trustees for their information. On request, the Library furnishes to members of the Board of Trustees books relating to the international problems with which the Foundation is concerned. Trustees desiring to retain books permanently are requested to notify the Librarian.

George W. Nasmyth, Ph.D., has been a resident member of the Staff since 1913,—having previously done extensive work for the Foundation in behalf of peace organizations among students in European countries. One of the most important contributions which World Peace Foundation has made to the educational propaganda of the League to Enforce Peace has been the assignment of Dr. Nasmyth to serve as Secretary of the Massachusetts Branch of the League. The Chairman of the State Branch is President A. Lawrence Lowell. Mr. J. Mott Hallowell is Chairman of the Executive Committee. Dr. Nasmyth and his working staff have been furnished office accommodations and other facilities at the headquarters of the Foundation. The educational campaign in Massachusetts has been pushed with vigor. Local committees have been organized in the principal cities, followed by important public meetings and notable addresses. The large amount of publicity thus secured through press notices and reports of meetings has been persistently supplemented by the distribution of literature through

the mail. Dr. Nasmyth has also delivered courses of lectures in Boston, and responded to the demand for addresses in other cities and other states. His recent book entitled, "Social Progress and the Darwinian Theory," published by G. P. Putnam's Sons, is recognized as an important contribution to the literature of the peace movement. It deserves careful attention by all who are concerned with the underlying philosophy of social evolution and international relations.

Charles H. Levermore, Ph.D., came to the Foundation in 1913. From March 30 to June 20, 1916, he was working in the interests of the League to Enforce Peace in Florida, Virginia, Alabama and Mississippi. During the summer he finished a comprehensive historical study of the origins and development of the Anglo-American Agreement of 1817; and subsequently prepared for the Central Organization for a Durable Peace a memorandum upon Article II of its Minimum Program, which has since been published at The Hague. He is now bringing out, through the house of Ginn & Company, a new song book, which will feature songs of international justice and good will. During the autumn he revised his pamphlet upon international relations, in the hope of making it more helpful to debating clubs. In November, at the request of Mr. Samuel T. Dutton, General Secretary of the World's Court League, and also a member of the Board of Trustees of World Peace Foundation, he went to New York to assist in the re-organization of the World's Court League. On December 2 Mr. Dutton, by authority of the Executive Committee of the World's Court League, submitted to the annual meeting of the Trustees of World Peace Foundation a formal request for an annual appropriation in support of a permanent and far-reaching plan of co-operation by the two organizations. Although unable to adopt the suggestion, the Board of Trustees voted to authorize Dr. Levermore to continue his work with the League at the discretion of the Executive Committee.

Fred B. Foulk, A.B., came to the Foundation in November, 1915, to act as Executive Secretary of the International Polity Clubs, under the arrangement, already referred to, between the World Peace Foundation and the Carnegie Endowment for International Peace. This arrangement was subsequently formally approved by

the Board of Trustees of World Peace Foundation, and Mr. Foulk continued on the Staff of the Foundation until the autumn of 1916, when the plan of joint control was superseded and the Carnegie Endowment assumed entire responsibility for this work among student clubs, and provided for the transfer of Mr. Foulk to its Staff.

As Executive Secretary he edited the monthly organ of the Federation of International Polity Clubs, called the *International Polity News;* he also arranged the itineraries of some of the lecturers who were sent to colleges and universities by World Peace Foundation, and took general charge of work among students which Dr. Nasmyth was obliged to relinquish because of his absorbing duties as Secretary of the Massachusetts Branch of the League to Enforce Peace.

His enthusiasm for his work also led him to assume the gratuitous burden and responsibility of editing the monthly organ of the Cosmopolitan Clubs, known as the *Cosmopolitan Student,*—a publication which the Foundation has been glad to encourage without being in any way directly responsible for it.

Edwin D. Mead.

Edwin D. Mead was already a veteran in the peace movement when the World Peace Foundation was established. His distinguished services had been recognized at home and abroad. In grateful recognition of his many years of unrequited service, it was the express desire of Mr. Ginn that provision for a generous retiring pension should be included in the original contract which the Foundation made with Mr. Mead. This provision became operative on the first of October, 1916, when Mr. Mead formally withdrew from the service of the Foundation. He has been continuously ill since the first of April, 1915, when the Board of Trustees, in grateful appreciation of his services to the Foundation, granted him prolonged leave of absence without diminution of salary, and recorded their hope and belief that a period of rest would enable him to return to his work in complete health and vigor.

CHANGES IN FORM OF ORGANIZATION

At the annual meeting of 1915, the Board of Trustees adopted a recommendation for a substantial change in the form of organization,

so that the Committee on Organization is now named the Executive Committee; the Chief Executive officer, the General Secretary; the other "directors," the General Staff. These and other changes made it necessary, or at any rate convenient, to repeal the Standing Orders originally adopted, together with some later scattered amendments, so as to bring into convenient and accessible form the entire code of Standing Orders applicable to the new form of organization. Accordingly, upon joint recommendation of the Committee on Finance and the Executive Committee, the outstanding Standing Orders were repealed by vote of the Board of Trustees, at the Annual Meeting, December 2, 1916, and in lieu thereof revised Standing Orders were adopted as follows:

STANDING ORDERS OF THE WORLD PEACE FOUNDATION

I.

Financial Year

The financial year of tbis Foundation sball be from October first to September thirtieth inclusive, but the budget shall regularly be made for the calendar year.

II.

Finance Committee

At tbe annual meeting, there shall be chosen in such manner as the Board of Trustees sball determine a Finance Committee of three or five to serve for tbe ensuing year. Such Finance Committee shall, under tbe By-Laws and Votes of tbe Board, bave general management of tbe building, property, investments, income and disbursements of the Corporation. They sball see that the Treasurer gives bond in accordance witb the By-Laws and any Vote of this Board; and shall be responsible for tbe custody of said bond. Tbey shall bave general charge of the system of keeping and auditing the books by the Treasurer and tbe Auditor, and sball see tbat disbursements are made only in accordance with authority given by this Board.

In cases of emergency or unusual need, this Board not being in session, said Finance Committee may authorize the expenditure of a sum or sums not exceeding in the aggregate one thousand ($1,000) dollars, but such expenditures shall as soon as practicable be reported by said Committee to this Board for its approval.

Said Committee shall each year, seasonably before tbe Annual Meeting, after consultation with the Executive Committee, prepare and report to this Board the Annual Budget.

Said Committee sball be entitled to receive at any time on request full information and reports from the Treasurer of the Corporation and from the Executive

Committee and any special committee with relation to any matters, acts done or proposed to be done, by or in behalf of this Corporation, involving the expenditure of money.

Said Committee shall from time to time make such reports and recommendations to this Board with relation to financial matters, particularly with relation to securing funds and endowments, as to the said Committees may seem meet, or as it shall from time to time be directed by this Board.

III.

Executive Committee

At the Annual Meeting there shall also be chosen, in such manner as the Board of Trustees shall determine, an Executive Committee of three or five members to serve for the ensuing year. One member shall be designated as Chairman by the Trustees. Said Committee shall select its own Secretary, and shall keep adequate records open to the inspection of all Trustees.

Such Executive Committee shall, subject to the By-Laws and Vote of the Board, have general charge and supervision of the organization of the paid and unpaid forces of this Corporation, including the work of the General Staff.

It shall, at the Annual Meeting, recommend to the Board the election for the ensuing year, unless sooner removed, of a certain designated number of named persons to constitute the General Staff; recommending also one of said persons as General Secretary, who shall be the chief executive of the Foundation.

It may, from time to time, choose or select, in such manner as to it may seem wise, persons interested in the general purposes of this Corporation as Associate Members thereof, and provide plans and means for so organizing such Associate Members as to make their names, efforts and influence effective in the work of this Corporation, including in such organization an Advisory Council, consisting of men eminent and influential in the peace movement.

Plans of the General Staff with relation to organizations, bureaus and committees of Associate Members existing or to exist under Article VII of the By-Laws, shall be referred to the Executive Committee for its approval or disapproval.

It shall be the duty of the Executive Committee each year, seasonably before the Annual Meeting, to submit to the Finance Committee estimates and recommendations for the Annual Budget.

Three stated meetings of the Executive Committee shall, on call of the Chairman, be held each year,—one shortly prior to the annual meeting of the Board of Trustees. The Chairman shall call the other two meetings at such times as the Committee or the Chairman may determine. Special meetings may be called at any time by the Chairman or by the General Secretary.

IV.

Joint Meetings of Committees

By vote of the Board of Trustees, or at the call of the President of the Board of Trustees, the Committee on Finance and the Executive Committee shall sit

as a Joint Board to consider any matters which may be referred to them, or as to which consideration in said Joint Committee shall be deemed expedient.

V.

General Staff of the World Peace Foundation

There shall also be chosen after report by the Executive Committee, hereinbefore provided, at the Annual Meeting, a General Secretary and General Staff, who shall be the working staff of the World Peace Foundation. The General Secretary shall be entitled to be present at all meetings of the Trustees, of the Committee on Finance and of the Executive Committee, but shall have no vote. It shall be the duty of said General Staff, among other things, to do the following:

1. To confer with the General Secretary and to devise means and methods of carrying on the work of this Corporation efficiently.
2. To incur no expense for or in the name of this Corporation except pursuant to authority first duly obtained.
3. To cause to be presented to the Treasurer proper vouchers and accounts of all moneys disbursed.
4. To report acts done and plans made at any time on request to this Board, to any duly authorized Committee thereof, and to the General Secretary.
5. To carry on the work in accordance with the Votes of this Board and with the directions of the Executive Committee, as given from time to time.

VI.

President of the Board of Trustees

The President of the Board of Trustees shall be *ex-officio* member of all standing committees; but his membership therein shall not affect the number required for a quorum.

VII.

Duties of the Treasurer

The Treasurer is to be held personally responsible for the heating, lighting and cleaning of the building, and shall see that every office, store and packing room and hallway is kept in an orderly and cleanly condition.

The Treasurer is to have general charge of the clerical and office staff, so that when the heads of the departments are absent, and their secretaries are thus set free, they may be assigned to assist other persons, or to do such work as may be needed.

VIII.

Publications

Neither the General Staff nor any member thereof shall order any publication of books or pamphlets to be issued in the name of the Foundation, without the assent and approval of a majority of the Executive Committee first obtained by vote—or in writing, after notice sent to all members.

No platform or program of policy, including the manifesto or program issued by the General Staff in the fall of 1914, shall be issued without:

a. The approval of the Executive Committee, such approval to be given only after they have been informed fully of the nature of the proposals to be submitted for consideration.
b. Subsequent approval of the Board of Trustees.

IX.

Support of the League to Enforce Peace

The World Peace Foundation expresses its approval of the general principles and policy adopted by the League to Enforce Peace, in Philadelphia, on June 17, 1915, and instructs the General Staff and representatives of the Foundation to support such principles and policy in the name of the Foundation.

X.

Appropriations for other Organizations

Any appropriation made by the World Peace Foundation for the assistance of any other organization or for persons not regular members of the Staff should be considered as specific, and not be regarded as involving any obligation of renewal.

Office Staff.

Arthur W. Allen, A.M., served as Assistant Treasurer of the Foundation from 1910 to 1912. After the resignation of Mr. Richard Henry Dana as Treasurer, Mr Allen performed the functions of both Treasurer and Assistant Treasurer. On January 8, 1916, the Board of Trustees adopted the recommendation of the Finance Committee, abolishing the office of Assistant Treasurer and providing that the funds of the Foundation shall be kept in two accounts, one known as the Reserve Account, checks thereon to be good only when countersigned by some member of the Finance Committee, the other, the Current Account, to be subject to the Treasurer's checks and from it all current bills to be paid. In addition to the customary duties of his office, the Standing Orders provide that the Treasurer shall be responsible for the heating, lighting and care of the building at 40 and 42 Mt. Vernon Street, and shall have general charge of the clerical and office staff.

All these functions, Mr. Allen has fulfilled with uniform tact and courtesy. The situation has been complicated by the fact that the unusually ample office accommodations of the Foundation have, during the past year, been frequently taxed to their capacity by the hospitality extended to the Massachusetts Branch and the New England District Secretary of the League to Enforce Peace. At times of special activity, this has meant the presence in the building of a large force of additional workers. Such intimate association by independent groups of workers calls for tact and forbearance, as well as co-operation; and it is a pleasure to acknowledge the courtesy of Miss Marie J. Carroll and her associates on Dr. Nasmyth's office staff.

No account of the year's work would be complete without the cordial acknowledgment of the cheerful and efficient service rendered by members of the office staff, the personnel of which, fortunately, remains unchanged: Mr. A. Gilbert Allen in the Shipping Department; Miss Beulah M. Cord, in the Library; and Miss Mary J. MacDonald and Miss Marguerite Norton, Secretaries.

A LEAGUE OF NATIONS

The price of peace is organization. History shows that the price has to be paid in advance. All the stable forms of peace thus far secured have been paid for in that way. Municipal peace, state peace and national peace have been purchased by organizing municipal, state and national families, and equipping them with judicial substitutes for war and adequate guaranties of law and order. International peace will have to be paid for in advance in the same way, by organizing the family of nations, and equipping it with adequate means for the judicial settlement of disputes and the maintenance of law and order. The nations of today have no right to expect the blessings of peace, or to complain about the prevalence of war. They have not yet paid the advance price. They have not yet organized to provide adequate judicial substitutes for war, or adequate sanctions and guaranties for international law and order. People cry for peace at any price; but no peace worthy of the name can be had at any price except that of international organization.

In time of war prepare for peace, is a good maxim; but unfortunately most of the peace programs fail to get a hearing from any but their own advocates, when once national antagonisms are aroused and patriotic feeling runs high, and war is actual or imminent. But happily this plan for a league of nations does not meet the same prejudice and hostility. On the contrary, many patriotic citizens, who are conscientiously opposed to peace under existing conditions, are enthusiastic supporters of a plan for a league of nations to maintain peace, and provide judicial substitutes and preventives for future wars. So, instead of interfering with this fundamental form of peace propaganda, the lessons of the war and the terrible logic of events have powerfully re-enforced it. As a result, the movement has from the first commanded the respectful attention of belligerents as well as neutrals, combatants as well as noncombatants. It has gradually secured a large measure of popular support, and has received the personal and official indorsement of distinguished statesmen in this country and abroad. It has also had the powerful backing of the President of the United States, with the result that the project of a league of nations to secure peace and justice throughout the world has become the official program of the Government, and a prominent factor in the foreign policy of the nation.

The proposed league of nations is therefore no longer a local movement or a private propaganda. It is already welcomed by many people of many parties in many countries, and has attained the dignity of a national policy. Moreover, it is probably the only peace movement which could have secured such respectful attention and made such remarkable progress in time of war. Consequently, it has overcome, to a considerable extent, the traditional and mischievous tendency to regard the cause of peace as inconsistent with national loyalty and patriotic devotion. Finally, it has brought new hope and enthusiasm to a host of discouraged and almost hopeless friends of peace, whose confidence and optimism had been so ruthlessly shattered by the shock of world war that they were drifting into the militarist camp in sheer despair. Its chief opponents are, naturally, extreme pacifists and extreme militarists.

Because world peace presupposes world organization, it is fitting that the World Peace Foundation should devote its energies and

resources to organizing a league of nations which shall provide for the judicial settlement of disputes and penalize wars undertaken without resort to arbitration and conciliation. Such a league is the first step toward world organization and world peace. It is the next logical step in political evolution. Until this initial step has been taken, nations will continue to destroy one another in the name of patriotism and duty. The establishment of the proposed league is as much a patriotic duty as a duty to humanity. Its success is as necessary to our own national safety and prosperity as to the safety and prosperity of civilization. Such a league represents the realization not only of patriotic hopes, but of moral and religious ideals, in so far as it is a practical movement toward the family of nations and the brotherhood of man.

EDWARD CUMMINGS,
General Secretary.

CASH RECEIPTS AND DISBURSEMENTS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1916

RECEIPTS

Balance on hand, September 30, 1915	$9,087.64	
Receipts from Edwin Ginn Estate on account of income from $800,000 (account *unsettled*)	31,000.00	
Net income from investments of Foundation	9,244.72	
Miscellaneous items	952.64	$50,285.00

DISBURSEMENTS

Salaries	$19,664.67	
Lectures and other educational work	2,644.82	
Educational propaganda: books, pamphlets, etc.	6,702.67	
Postage, telegrams and expressage	1,369.13	
Traveling expenses	1,853.96	
Office and general expenses	1,571.11	
Rent	2,000.00	
Expenditures in behalf of the program of the League to Enforce Peace, Massachusetts Branch	3,000.00	
Expenditures, since repaid, for account of the League to Enforce Peace, Massachusetts Branch	517.64	
Expenditures in behalf of the League to Enforce Peace, American Branch	675.32	
Expenditures for account of Cleveland Conference on International Relations of 1916	1,474.40	
Expenditures for the work of the American School Peace League	2,500.00	
Miscellaneous items	1,354.64	
Total Expenditures	$45,328.36	
Balance on hand, September 30, 1916	4,956.64	$50,285.00

INTERNATIONAL LIBRARY

Edited by EDWIN D. MEAD

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